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Kingdon, John Abernathy

Strife of the scales : an attempt to exp



STATERA DOLOSA
ABOMINABILIS EST APUD DOMINUM



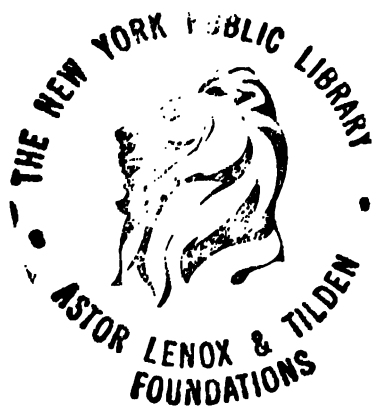
The Strife of the Scales
in the
City of London

A.D. 1256-1350.



PONDUS ÆQUUM VOLUNTAS EJUS.

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7 Alfred William Wriggall
Sept 19. 1905.
from J.A.R.
The Strife of the Scales.

AN ATTEMPT TO EXPLAIN
HOW
THE KING'S WEIGH-HOUSE AND BEAMS
WITHIN THE CITY OF LONDON
CAME INTO THE CHARGE OF THE
WORSHIPFUL COMPANY OF GROCERS
BY A PAST-MASTER OF THE COMPANY,
SESSION 1853-4.

RIXON & ARNOLD,
29 POULTRY, LONDON, E.C.



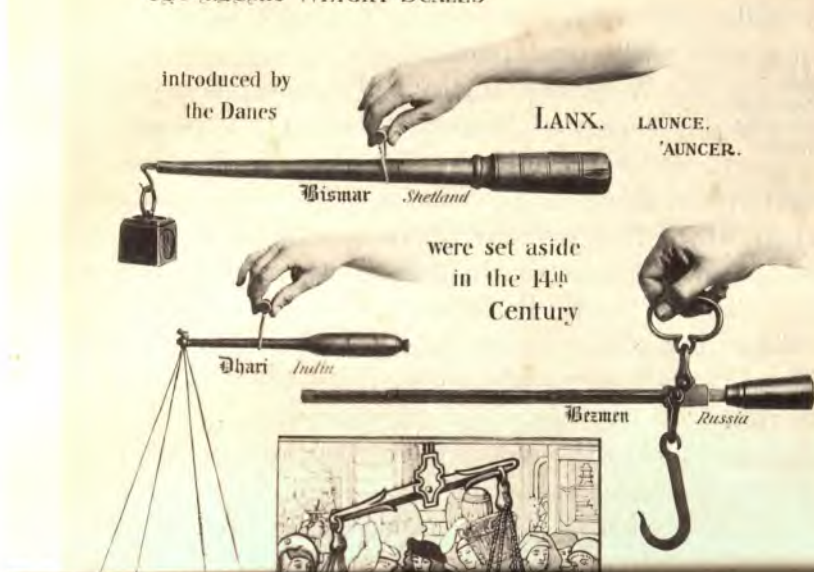
ARGUMENT.

The purpose of this long string of extracts from the records of the City Corporation and Archives of the Grocers' Company, is to show that the custody of the King's Beams and Weigh-house—for all official weighing within the City walls—fell to the Company of Grocers as the natural outcome of a business pursuit, conducted by men of business, who, exchanging all values by weighing, desired an uniform system of doing so. Sterling money, the standard of value and weight, required exact weighing. The moneyer's method, with which the native public had no concern, was not universally accepted. There was a popular method in vogue which persuasion was powerless to change, yet for the development of commerce it was expedient that it should be disused. The law was invoked, the popular lever condemned, and the balance established instead for all modes of weighing. Then a body of experts was wanted to see that the 'Balance' was truly and honestly used. Such a body existed, and, under the name of "Mestera Grossariorum," took charge of the Great Balance of the King, by which all wholesale goods, whether spicer's, apothecary's, troy-weight or merchant's, had to be officially weighed.

J. A. K.

Jan. 1905.

THE ASIAN WEIGHT SCALES



1.—The Instruments portrayed in the Frontispiece are in Grocers' Hall. It was hoped that a pair of Scales, used in the 14th Century, might have been similarly represented; but as none has been found earlier than the 17th Century, though search has been made in every Museum in the United Kingdom, the Stained-glass Window in Tournai Cathedral (M. Paul Lacroix, "Le Moyen Âge et la Renaissance," Paris, 1850, Tome III, cap. Corporations des Métiers, fo. xij) has been used as the earliest representation as yet found, of commercial weighing by the 'Balance' in Europe.



Vitrail du XV^e Siècle à la Cathédrale de Tournai

The Worshipful Company of Grocers Guardians of Commercial Weighing.

As the custodians of the Weigh-house and Beams of the King for several hundred years within the City of London, the Worshipful Company of Grocers of London naturally feel interested in the subject of weighing.

It is a subject of wide historic and scientific interest if treated generally, but it is only with the instrument employed in practising the art that it is now proposed



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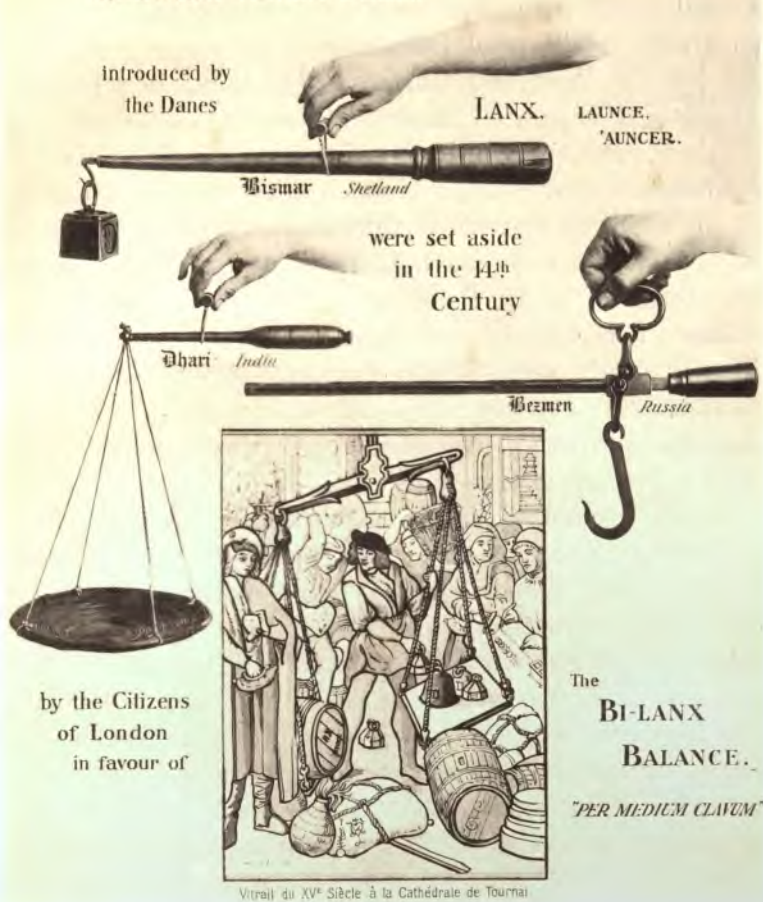
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4 THERE WERE TWO MODES OF USING THE WEIGHING-LEVER

to deal. Even in this seemingly simple aspect it was not always readily understood.

Two forms
of weighing
lever.

Weighing instruments may be roughly separated in two classes: (1) in which the pivot or fulcrum of the lever is fixed and the counterpoise moveable, as in the stilliard and balance; (2) in which the pivot or fulcrum or sling is moveable and the counterpoise fixed, as in the Danish instruments, the "Bismars" and "Pounders."

These two forms came into use in England from different and antagonistic sources—they clashed in practice.

Discordant
in use,

At the dawn of its history, and, inferentially, much earlier, England is found to have been the tilting ground of diverse nationalities. With peoples, systems came into collision. Asia, by way of the Caucasus, Novgorod and Scandinavia, met the methods of Egypt and Arabia on English soil. Danes with Asiatic connections encountered Normans who, through Lombardy, had Egyptian and Arabic affinities. At the time of the Conquest, all the nationalities of Europe, excepting the Slavonic tribes, were represented in the land.¹ But of all the various invaders, those who left the most lasting impression belonged to that section of Scandinavian rovers known as "Anglo-Saxons." In government the Norman rule became supreme and permanent; but in language and habits the spirit of the Anglo-Saxons held sway so tenaciously that it was difficult to modulate them into harmony with the new conditions. In the matter of weighing, for instance, the especial subject of these few pages, it required, after the lapse of over two hundred years, a statute of the realm to suppress a particular weighing lever, affected by the people, but

¹ Lappenberg's "England under Anglo-Saxon Kings," Vol. ii., Part 5, page 305.

inappropriate for, and a hindrance to uniformity of, mercantile action or official use.

It is this collision between the Danish weighing lever, and the scales of Lombardy merchants, which forms the key-note of this overture. The Crusades began it by bringing the commerce of London in touch with Alexandria and the Levant. It was not till after the several guilds which sold their goods by weight, had

but settled by statute, with the Grocers in charge of the Beam. combined in forming what they called the "mestera averii ponderis," that the statute in question was passed. To this body, under the title of "Mestera Grossariorum,

&c." the custody and management of the Great Balance of the King was in 1365 entrusted; a responsibility which the Grocers' Company held without question for more than two hundred years, and was never deprived of, although the prerogative was challenged in the middle of the sixteenth century.

Prerogative defended by Grafton, the Chronicler, It was while Richard Grafton, the chronicler, was on the Court of Assistants of the Grocers' Company, 1561, that this happened.

The "Maisters of the House of the Poore in West Smythfield" (St. Bartholomew's Hospital), to whom the profits of the weighing by the "King's Beame" had been granted during the reign of Edward VI.,¹ were claiming the right for themselves. Grafton, who had been Treasurer of the House² about ten years before,

¹ Act of Common Council, 20th Dec., 2 Ed. VI., 1548, Jor. 15, fo. 398 (see Appendix to Memoranda relating to Royal Hospital, pp. 46, 48, printed 1863): The profits of great beam—beam of the stillyard—the yron beam . . . "towards the relief and sustentation of the said poor in the home or Hospital founded by King Henry VIII."

² See "Richard Grafton, A sequel," pp. 44-5; where a page in "fac simile" is introduced from the Archives of St. Bartholomew's Hospital, which shows that in 1551 he was elected Treasurer and took up and finished the "accompt," of his deceased predecessor,

1551, and had since been Treasurer of Christ's Hospital, and held other offices in the conjoined Hospitals of Christ's, St. Thomas', and Bridewell, was called upon on 11th March, 1561-2, to assist the Master and Wardens of the Company in examining the validity of the claim, and in preparing an answer.

On the 20th of March the committee so formed conferred with the "Maisters of the said House of the Poore," who required the Company to set forth in writing their defence, which the committee, on behalf of the company, declined to do.¹ While the dispute was proceeding, Grafton was, on the death of his friend, Edmund Stile, February, 1563-4, elected to the post of Upper Master Warden of the Company in his stead.² He had in the meantime been returned to the Parliament of January, 1562-3, as a Member for the City of Coventry.

who as Upper
Master Warden
brought up the
Committee's
report,

On the last occasion of his presiding at a Court of Assistants as Master, 21st of June, 1564, this committee brought up a statement affirming the Company's right by

discharged the functions of almoner and inspector of lazar houses, and drew up and printed in 1552 "The Ordre of the Hospital of St. Bartholomew, in West Smithfield":—and when his term of two years' service was over he assisted in founding Christ's Hospital, of which he was made at once, and remained for four years, the Treasurer. It was not till after he relinquished that office that St. Bartholomew's was joined to the Royal Hospitals, as if he had not been satisfied with its management. As Printer to Ed. VI. he must have known the enactments made in that King's reign which concerned the Hospital of which he was Treasurer and the way in which they were put in force. See "fac simile" copy of Christ's Hospital Archives marked "8" between pp. 98 and 99 of the same book.

¹ The Wardens brought up a report on 8th May, 1562, in this manner, "they wolde have hadd the sayd Mr. Wardens do putt in their suite in writtinge which they thought inconvenient." See Minutes of Court of Assistants of that date.

² See "Richard Grafton, Grocer, A sequel," pp. 123-4.

undisturbed custom to the custody of the "Queene's Beames" (Elizabeth), beginning thus :—

"Forasmuch as in tymes passed the order of the Quene's Beame and the appointinge of the affairs belonging to the same have appurtained and was proper and peculiar to this Companye of the Grocers. At whiche tyme the sayde Companye at their proper costes and chardgies made and provided all the weightes, Beames, skales and all other necessaryes belonging to the same. And that nowe by acte of comon counsaile the profitt of the sayde Quene's Beame is wholly graunted to th'use and benefitt of the 'ospital erected in this citey for the relief of the poore, etc. . . . Nowe at this Courte it is ordered, condescended, and agreed that the Wardens that shall succede shall not fayle to caule upon my Lord Maior that some fynal ende may be had and taken therein."

Then follows an inventory of all such articles used in weighing as were then in the possession of the Company.

The claim failed, so that the custody of the Beams and Weighhouse remained undisturbed with the Company until the expansion of commerce called for official weighing outside of the City Walls.

Whatever, therefore, concerns the history of weighing within the City walls legitimately concerns the Grocers' Company, and calls for attention. However prudent it may have been for Grafton to refuse any statement in writing for the adversary to carp at, it becomes fitting and desirable—now that enquiry is being made about the meaning of a weighing beam and the nature of the instrument—to set out in order the steps by which the Company became entrusted with the custody of the Beams and control of the weighing.

The instrument condemned by statute,¹ 1352, at the instance probably of those who soon after formed the

¹ 25 Ed. III. 5, c. 9. Parliament sat from 13 Jan.—11 Feb., 25 Ed. III. (A.D. 1351–2).

Grocers' Company,¹ was called "auncell," a word which marks the jarring of incongruous tongues, as the instrument itself did the divergence of national habits.

The meaning of 'Auncel' "Auncell" was no doubt the Saxon vernacular utterance of "lancel" (the initial "l" being dropped as if it were the French article) diminutive of "lance," a scale [*lanx*, Lat.], a word adopted from the Italian and used later on by Spenser (*Faerie Queene*, Canto VII., v. 4):—

"Need teacheth us the lesson hard and rare,
That fortune all in equal launce doth sway,
And mortal miseries doth make her play."

The instrument was abolished and has been forgotten, and its name distorted out of all recognition. Both have lain dormant for more than five hundred years, but not allowed to rest in peace. The exigencies of the New Historical Dictionary require its resuscitation.

The subject is wrapped up in the story of the commercial liberties of London and of the origin and development of the Grocers' Company, both of which began in the reign of Henry II.—the period, indeed, from whence all the greatness of the Kingdom may be said to date. He let light in upon the nation's darkest hour, and set alive a wholesome taste for commerce among a mixed folk. Then new brotherhoods began to form.

While Stephen reigned (1135–1154) no principle guided, no laws controlled the affairs of the nation nor the behaviour of the people. Every rich man was a law to himself. An army of hired Flemings defended

¹ 1365, vide *infra*, p. 36.

the King, and he debased the coinage.¹ King Henry expelled the mercenaries, dismantled the fortified houses of the rich, and rectified the coinage.² Henry II. was a businesslike king. He fostered commerce as an engine of government and aroused a new spirit. Guilds began to form as if in expectation of the looming Communa of London. Among eighteen guilds which were amerced as adulterine, 26, Henry II., 1180 (*i.e.*, set up without the king's licence), there was one called the "Gilda piperariorum, unde Edwardus est Aldermanus."³ This guild of pepperers was the body about which less important guilds with similar trade-habits gathered in 1345⁴ as men of the mystery of "aver-de-pois," and in 1365 by the name of Grocers.⁵

King Henry
II. made
England
commercial.

The guild of
the pepperers,
the main
stock of the
Grocers.

Why the pepperers assumed that name originally is not with certainty known, but there was a section of foreign merchants who, in the days of Ethelred, were privileged to expose their goods for sale in the King's Wharf in Thames Street on payment of ten pounds of pepper"

¹ Bp. Stubbs, "Constitutional History of England," ch. x., vol. i., pp. 366-370.

² *Ibid.* p. 378 and p. 549.

³ Herbert's Twelve Livery Companies, vol. j., p. 24, note; out of Madox' History and Antiquities of the Exchequer, pp. 390-1, who quotes from Mag. Rot., 26 H. 2. Rot ij. b. Lond. and Middlesex.

⁴ 27th July, 1345, 19 Ed. III., certain brokers whose names are recorded, were elected "per probos homines mester' averii ponderis, piperariorum de Soperes Lane, de Roperia, et de Chepe." *Letter Book F*, City Records, fol. 106.

⁵ 20th Nov., 1365, 39 Ed. III., twelve men, whose names are recorded, were elected wardens and supervisors "Mestere Gros-sariorum, piperariorum, et appotecariorum," of Soper's Lane, Ropery, Chepe, and Bucklersbury, &c. *Letter Book G*, fol. 173 b. Vide *infra*, p. 36, n.

⁶ See Introduction to Archives, p. xxviii.—

"Et homines Imperatoris qui veniebant in navibus suis bonarum

twice a year to the king, a payment told by weight. It may have been the representatives of this body that formed the new guild.

There is very little known about the share taken by the guilds in the development of commerce at that early date. They were not at first charged with any special function or responsibility. They started, as the amercement implies, spontaneously as fellow-traders, banded by religious ties for mutual friendship. It was not until the "Communa" of London was established, at the

They
trafficked by
weighing

opening of the thirteenth century, that any trade duties devolved upon them.

What is known about the Pepperers, however, is that they measured all their values by weighing.

and began
synchron-
ously with
sterling
coinage.

It was in the same year—1180—[26, Henry II.] in which the Pepperers are first found in any records as a guild, that the new coinage, which had been long promised, was

introduced: the Easterling ('sterling) money, with coins of specified purity and definite weight. The Pepperers may have been, they probably were, forewarned of this by their trade connections. Whether or not the two events were designedly coincident in 1180 or merely concurrent must await solution by subsequent events, but may well be considered now. The coincidence of the introduction of 'sterling money with the first notice of the Pepperers' Guild in 1180 is interesting. The coincidence of the

legum, digni tenebantur sicut et nos. Præter discarcatam lanam et dissutum (dissolutum ?) unctum et tres porcos vivos licebat eis emere in naves suas ; et non licebat eis aliquod forceapum facere burhmannis, et dare telonium suum ; et in sancto Natali Domini duos grisengos pannos et unum brunum, et decem libras piperis, et cirotecas quinque hominum et duos caballinos tonellos aceto plenos et totidem en Pascha, &c." (Thorpe's *Ancient Laws and Customs of England*, time of Ethelred II., pp. 127, 128).

introduction of a gold coinage in 1257¹ as part of the same 'sterling system, with the passing of a civic enactment, which regulated the mode of weighing, is suggestive, because it must have been instigated by those who used weighing in their trade, of whom the Pepperers were the most prominent. The fact that one Andrew Godard, a Pepperer, was appointed [6, Ed. II., 1312] Keeper of the King's Beam [Magna Statuta Domini Regis],² and the fact that the King's Beams and Weigh-house within the City (the great mart of the Kingdom) were entrusted to the Company of Grocers, of which the Pepperers were the dominant section at the time of its incorporation, indicate something more than accidental coincidences. The archives of the City supply evidence of all this.

Coincidences
suggestive of
design.

King Henry's quarrel with his sons hindered the development of his scheme, but it had been launched. Within a year of his death London was granted a Mayor [1 Ric. I., 1190], but there was as yet no corporation. The King's court acted as such. In 1197, by the advice of the Bishop and Barons, the Justiciar, in the name of the King, issued an Assize with the intention of securing the uniformity of weights and measures in all parts of the Kingdom. Eadgar, "King of All England," had made a similar attempt [A.D. 958], with wool for the standard of value and weight,³ but ineffectually. So with the Assize of 1197. It was not able to make way against the usages of the nation. The Sheriffs sent rods and weights to all the Counties, but the project was

¹ Vide *infra*, p. 21.

² Letter Book E, fol. xxv., City of London Records. Sharpe's Calendar, p. 37.

³ Vide *infra*, p. 28, *n.*

abandoned in King John's days because the merchants declared it to be impracticable.¹

That there were usages pervading the nation at the time of the Conquest, and that they were satisfactory to the people, is shown by their indisposition to change them, and that they were at variance with those of the new Rulers is also clear. Evidence of discord in the matter of weighing, which alone concerns us now, is afforded by the statute above mentioned, abolishing the 'Auncel.' This instrument, from the first introduction of 'sterling coinage, was no doubt an obstacle. It was a form of instrument, as will presently be shown, such as is now known and described in elementary books of instruction as the 'Danish Balance,' a relique of Saxon rule, which the Conquest had not mastered, an instrument with an ancient Asiatic prototype,² and known even now among folk of Scandinavian descent—viz., the Orkneys, Shetland, Faroe Islands—by the name of Bismar, a Selavo-Lithuanic word, marking the route by which it reached them.³

Danish
balance in
vogue at the
'Conquest'

and still
found in
Shetland,

¹ Stubbs' Constitutional History of England, ch. xii., vol. i., p. 572, and ch. xiii., pp. 641-5.—

"The amount of traffic was not yet so great or so generally diffused as to make it indispensable . . . but it had considerable importance in itself, and formed the basis of one of the articles of the Great Charter."

² "The extant instrument of the present day in use, not only in Nepal, but in Tibet, is called the Dharni; a sort of steelyard (an invention self-suggested by the everyday employment of the irrigation whip), employed in weighing oil, lumber, ghee, salt, metal, &c., but not grain, and is graduated in a very minute manner." The principal divisions of the scale being first the Dharni, an extreme degree, which is again divided into $\frac{3}{4}$, $\frac{1}{2}$, $\frac{1}{3}$, $\frac{1}{4}$ and $\frac{1}{5}$ of the Dharni, each having its own name, with minute graduations. See new edition of Marsden's Numismata Orientalia, Part I., Ancient Indian Weights, by Ed. Thomas, F.R.S., p. 23.

³ Murray's New English Dictionary. "Bismar, also Bismar—more,

Note to face page 12.

The Bismar here shown is from Norway. It is tilted on its side to display the small nails driven in along its under surface flush with the beam.

They are set in a graduated series of swing points, marking by their distance from the counterpoise the weight of the burden. It fairly represents all weighing levers in which the "sling" or shifting fulcrum is used, in Scandinavia and its old Danish Dependencies, in Russia, European as well as Asian, and in India. It is still found, but seldom used, in out-of-the-way villages in the Shetland and Faroe Islands. In parts of Scotland, where the instrument is lost, the word Bismar lives to express in homely phrase finikin accuracy: "It is hinter-tinter like Lawrie Gaudie's bismar" (Mrs. Shand). Farmers in all parts of Norway used it among themselves, but not in the markets (Dr. Boyd). In Bergen, merchants "weighed by the sling" well into the seventeenth century ("Mapp of Commerce," Lewis Roberts). In Russia it is found in many different shapes, in wood, iron, and brass. The wooden form, like the one here represented, with small brass nails driven



The real length is 25 inches.

into the wood (*Murray Marshall*), is so easily, and so often "doctored," that it is not now legal; nevertheless it is still used in country villages all over Russia. It is called *Bezmen* in the Russian tongue (which means "changeless," or "as it is" = "continent in se"). The form made of metal, shown in frontispiece, is used in private families, and sold in the shops (*A. B. Keay*). The Indian sling-scales are known in the bazaars by different names: on the north of the Ganges by the word "dhari," in villages further south "tuli." They are used by hawkers from the villages, and rarely seen now in the beaten tracks, although they were common in all the bazaars when railways were new (*A. W. Rendell*). The counterpoise is not always turned but often cut out roughly. They used to be common in hill markets and shops (*G. H. P. Livesay*).



There was considerable trade between Novgorod and Sweden from earliest times. It crossed the Baltic by way of Wisby in Gottland—a convenient mid-way emporium—which became an important member of the Hanseatic League.

For six hundred years Anglo-Saxons, Danes or Northmen had occupied England. Four generations of kings—Swein, Canute, Harold, and Hardi-Canute—had been sole masters of the country before the Conquest. They had conquered and colonised the Kingdoms of Northumberland, East Anglia, and other districts equal to one-third of all England, holding the supreme government under their own Danish laws.¹ By whatever name known—Goths, Visigoths, Franks, Anglo-Saxons or Northmen—these tribes appear to have been all of one original stock.² The race who under Odin established themselves in the countries north of the Baltic were undoubtedly of Asiatic origin. Traditionary history fixes their original seat at the Tenais (the Don), but why, after reaching the southern coasts of the Baltic, they should have crossed the sea to have established themselves in the severe climate of Scandinavia does not at once declare itself, nor is it part of our present purpose to enquire. That they did so and brought their weighing habits with them, admits of no doubt, and this is all that concerns us now. The fact rests not only on the concurrent traditions and religious belief of the people, but upon customs retained by them to a period well within the pale of written history—customs which could only have arisen in the country from whence they had come: for instance, the eating of horseflesh at

brought in
from Asia by
the Danes

bysmer, bissimar [a. Da. *bismer*, O. N. *bismari*, steelyard; in L.G. of Holstein, *besemer*; Sw., *besmar*; a Slavo-Lithuanic word; in Lettish, *besmens*, *besmers*; Lith., *bėzmėnas*; Russ., *bezmen*; Pol., *bezmian*]. I. A kind of steelyard used in the north-east of Scotland, and in Orkney, and Shetland."

¹ "The Heimskringla" or Chronicle of Kings of Norway—Samuel Laing, Ed. 1844—Prelim. Dissert., pp. 104–105.

² Op. cit., p. 5. Gustavus Adolphus included them among his subjects.

their religious feasts,¹ as commemorative of their original country, which can never have been an indigenous Scandinavian custom, because there the horse is an animal too valuable and scarce ever to have been an article of food, as on the plains of Asia.²

The weighing-lever, too, known as 'Danish,' fitted the migratory habits of its users. It had no moveable weights to be mislaid or lost. The fulcrum was moveable, the counterpoise fixed. It contained, in itself, the means of weighing without loose parts, except the sling it swung on. It was essentially Asiatic in its origin, where weighing was in the earliest times habitual, and where the practice of the art culminated in an effective currency in India, long before the date of the engrossment of the Institutes of Manu, *i.e.*, at least four hundred years B.C.³

and used
without
moveable
weights,

¹ In Mr. Samuel Laing's translation of "The Heimskringla," a chronicle of the Kings of Norway, in the Saga of Hakon the Good [vol. i., p. 314], foster son of Athelstan, King of England, this eating of horseflesh at heathen sacrifices is shown to have been severely enforced, as a religious act. "When the people sat down to table [p. 330] the bonders pressed the King Hakon" (who was a good Christian when he came to Norway) "to eat of horseflesh, and as he would not do so they wanted him to drink of the soup, and as he would not do this they insisted that he should at least taste the gravy, and on his refusal they were going to lay hands on him." Again on a subsequent "feast the bonders insisted [p. 331] hard with the King that he should offer sacrifice, and threatened him with violence if he refused . . . the King took some bits of horse's liver and emptied the goblets which the bonders had filled for him." While bleeding to death after a battle, he said: "If fate should prolong my life, I will, at any rate, leave the country, and go to a Christian land and do penance for what I have done against God."

² *Op. cit.*, vol. i., Prelim. Dissert., pp. 5, 17, 38, 69, 85, &c.

³ Without attempting "to settle the correct theoretical definition of coined money . . . it is sufficient to say that we can produce flat pieces of metal, some round, some square or oblong, adjusted

It was from the banks of the Euphrates and the Tigris that the *standard* by which the precious metals were weighed found the way to the shores of the Ægean Sea . . . the heavy standard by way of Phœnicia and the sea, . . . the lighter by way of Lydia and by land.¹ This was the source of Easterling money.

From whatever part of Asia the 'Bismar' started it found its way into Europe through the Caucasus with the Rovers of Odin, and ultimately reached London. By what name it was known before the Norman invasion is not known. It was a word unfamiliar to the Lombard commerce of the new rulers, hence named by them either in despite or through ignorance. 'Auncel' is clearly a word of Frankish origin, vulgarised by Saxon use. 'Beam' or Bem is the vernacular for any kind of weighing instrument used in the Grocers' Companies Archives in the 14th century, it may have been the generic name before.

If the Anglo-Saxons, Danes and Normans were all of one original stock, why should a change of dynasty from Danes to Normans have caused so great variation in manners and language?

The answer is that at first it did not. Duke William's success changed the dynasty; but not the constitution.²

with considerable accuracy to a fixed weight, and usually of uniform metallic purity verified and stamped anew with distinctive symbols by succeeding generations, which clearly constituted an effective currency long before the ultimate date of the engrossment of the Institutes of Manu," more than 400 years B.C. Ed. Thomas in Part I. of new ed. of Marsden's Numismata Orientalia, pp. 52--3.

¹ "Historia Numorum," by Barclay V. Head, Oxford, 1887. Introd. pp. xxix. and xxxvii.

² William was so advantageously situated, that his success seems "neither unaccountable nor any matter of discredit to the English nation. . . . The forlorn state of the country induced, if it did not justify, the measure of tendering the crown to William, which he had

That came afterwards. By the deaths of Tostig and King Harald, of Norway, and—in less than three weeks—of King Harold of England himself, and his two brothers, William was left without a real rival. He was accepted as King by accession, rather than Conquest. He took an oath at his coronation exactly similar to that taken by the Anglo-Saxon Kings and began his reign moderately enough. His vassals and mercenaries¹ drove him to tyranny, and disturbed the harmony of the nation; but could not extinguish its native habits. Repeated rebellions² repeatedly repressed increased the tyranny, and every attempt was made, in schools and law courts, to change the language;³ in some measure successfully. That the name of a one-scaled weighing lever should become “lancella” or “lancelle” in Norman French, and

a pretext or title to claim, arising from the intentions, perhaps the promise, perhaps even the testament of Edward, which had more weight in those times than it deserved, and was at least better than the naked title of Conquest. And this, supported by an oath exactly similar to that taken by the Anglo-Saxon Kings, and by the assent of the multitude, English as well as Normans, on the day of his coronation, gave as much appearance of a regular succession as the circumstances of the time would permit.”—Hallam's *Middle Ages*, vol. ii., pp. 420–21.

¹ “William had always stipendiary soldiers at his command. They were drawn by the allurements of high pay, not from France and Brittany alone, but from Flanders, Germany, and even Spain.”—*Op. cit.*, vol. ii., p. 428.

² “The rebellions against William the Conqueror and his successors appear to have been almost always raised or mainly supported in the counties of recent Danish descent, not those peopled by the old Anglo-Saxon race.”—Laing's *Chron. of Kings of Norway*, vol. i., p. 105.

³ “. . . et pueris etiam in scholis principia literarum grammatica Gallicè, ac non Anglicè traderentur; modus etiam scribendi Anglicus omitteretur, et modus Gallicus in chartis et in libris omnibus admitteretur.”—Ingulfus, p. 61, quoted by Hallam's *Middle Ages*, vol. ii., p. 423.

“auncel” in vernacular among Englishmen is intelligible under such circumstances.

but continued
in use by the
native folk, Its English name was blotted out, but as domination and not development was the order of the day, the instrument itself survived. The tenacity of its hold upon people accustomed to its use was very great. It has been made the subject of comment by Sir Walter Scott in his novel “The Pirate,” the scene of which is laid in Zetland. Mordaunt, jealous at finding himself supplanted by a rival in the family of Magnus Troil, endeavoured to assume an indifferent air, while he asked the Jagger (Bryce Snailsfoot) whether there was no news in the country; “Great news!” the jagger replied, “and a gay mony of them. That crack-brained carle, the new factor, is for making a change in the *bismars* and *lispunds*, and our worthy Fowd Magnus Troil has sworn that sooner than change them for the steelyard or aught else, he’ll fling factor Yellowly from Brassa Craig.” “Is that all,” said Mordaunt, very little interested. “All! and enough, I think,” replied the pedlar, “How are folk to buy and sell if the weights are changed on them.”

This story, written 1821, rests upon the record of incidents which happened in 1724; and as the Bismar is still (in 1900) sometimes found in domestic use in Shetland, the pedlar’s utterance fairly fits the facts, though told in fiction.

Some such state of things prevailed when King Henry II. brought in the sterling coinage—and the Pepperers started their guild. The one-armed lever was then the people’s weighing tool. Among those familiar with its use it was a convenient form. But it was not intelligible to the uninitiated. It did not explain itself at a glance. Western people—not like those of Asia, intuitively mathematical—could not readily recognise

its scientific simplicity. With a fixed counterpoise and sling-fulcrum to be moved along a line of graduated markings, it would, with fair accuracy, measure weight.

though not
adaptable to
commercial
require-
ments.

But more than one line of markings would be required if the several systems of aver-depois, troy, spicers' or apothecary's, were to be measured by the same instrument, which would, of course, add much to the confusion, which these several systems already gave rise to. It was the instrument in common use for the ordinary purposes of daily life.¹ But when money was weighed, or gold and silver, with which the people in general had nothing to do, then weights and scales were employed;² a more

¹ In a letter from Norway, dated August, 1901, the author is informed that "the farmers still use 'bismar' among themselves; though not for weighing goods in the market. If a farmer borrows anything from a neighbour it is weighed by a 'bismar,' and when returned it is weighed again. The 'Pundar,' too, is in frequent use."

² This is exemplified by a contemporary historian, "Snorro Sturleson" (b. 1178, d. 1241), in the *Heimskringla*. In the *Saga of Harald Hardrada*, the King of Norway, who fell fighting for Tostig against Harold Godwinson just three weeks before Harold himself was killed at Hastings—it is recorded that when he received half of the Kingdom of Norway from King Magnus, his brother's son, he divided with him the great wealth he had acquired as spoil during his wars as chief of the Veringers of the Greek Emperor. The transaction is described in this way. ". . . Then he (Harald) had the caskets opened and said to King Magnus, 'Yesterday you gave us a large kingdom, which your hand won from your and our enemies, and took us into partnership with you, which was well done; and this has cost you much. Now we on our side have been in foreign parts, and oft in peril of life to gather the gold which you see here. Now, King Magnus, I will divide this with you.' . . . Then Harald had a large oxhide spread out, and turned the gold out of the caskets upon it. Then **scales and weights** were taken and the gold separated and divided by weight into equal parts. . . ."—The "*Heimskringla*," translated from the Icelandic of Snorro Sturleson, by Sam. Laing, 1844, vol. iii., pp. 23-4.

Note to face page 18.

That the Norsemen used weights and scales when money was weighed is corroborated by objects, now in the Science and Art Museum in Edinburgh, which were found in a Viking grave, accidentally discovered in June, 1882, by Malcolm McNeill, Esq., at Kiloran Bay, Colonsay: about which Dr. James J. Dobbie, of the Royal Scottish Museum, has courteously furnished the following explanatory note. "Within an enclosure, 15 feet by 10 feet, formed of rough schist slabs, there lay at one angle the remains of a human skeleton placed on its left side, with the knees drawn up, and the head to the east. Distributed through the sand near it, were found an iron sword, a battle-axe, spear-head, umbo of shield, &c. Between the chin and the knees, in an

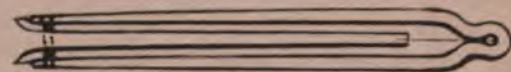


inverted position, lay the bronze scales, and near them the beam; also the unique set of weights and other objects formed of lead, some finished on the top with bronze plates engraved and gilt, and others enamelled. Inside the enclosure were also found bronze strap-holders, buckles, studs, &c., parts probably of horse trappings; also two Anglo-Saxon stycas, one of them a coin of Vigmund, Archbishop of York, A.D. 831-854."

Rough and simple as this balance seems, it is clearly constructed on recognised principles. It will be seen that the points from which the scales are suspended are in a right line passing through the centre of gravity of the beam, but that the fulcrum or point upon which the beam turns is placed above it, to ensure stability of equilibrium when not weighted.

A full-sized sketch of the instrument made by a skilled draughtsman.
Dr. James J. Dobbie roughes for the accuracy of the drawing.

Scales of similar character, found in similar circumstances—i.e. in connexion with human remains, and implements of war,—at Island Bridge near Dublin, are described in the “Proceedings of the Royal Irish Academy,” (1866–1869), Vol. X, pp. 17–20. The beams are of coppery bronze $5\frac{1}{2}$ inches long, with scale-cups of white metal. A bronze model of a swan, similar to that found in Odin’s tomb at Upsala, holds up the cloffe of the balance.



The fork or cloffe in which the tongue of the beam plays.

precise but more troublesome process. The introduction of sterling coinage had gradually made weighing more exact, mercantile exchanges more definite, and commerce generally more scientific. In 1266 the silver penny was made the standard of value and weight, the "dwt."

The merchants of London sought for a remedy,
When the communa of the City of London, confirmed by the signing of "Magna Charta," 1215, gave them authority within the City walls, the citizen merchants of London addressed themselves to the regulation of all this.

The records of the City show it to have been no easy matter; popular prejudices had to be met, and jealousies assuaged. Courtiers were slow to recognise the commercial independence of the City, and still less ready to relinquish sinecures.

The first Mayor of London was not appointed till after, but immediately after, the death of Henry II., in the first year of Richard I., 1190.¹ Then, ten years later (1200), five and twenty of the more discreet men of the City were sworn to take counsel with him in the City matters.²

In 1218, one "Jocus Ponderator" (*le Pesur*) was made one of the Sheriffs. This man was a "spicer." How long he held the office of 'weigher,' or what function he fulfilled, there is no evidence to show. It was, however, an office of responsibility under this new body.

opposed by the Court,
In the year 1246 the rights of the City were invaded by the "Prior and Canons of St. Bartholomew's," stirred thereto by the counsel and aid of William de Haverill, Treasurer of his Lordship the King, and John de Koudres, *sokereve* (or

¹ Lib. de Antt. legg. Stapleton's transcript. Cam. Soc. Ed. p. 1.

² Op. cit. p. 2, "anno M^o. CC^o. Hoc anno fuerunt xxv. electi de discretioribus civitatis, et jurati pro consulendo Civitatem una cum Maiore."

Bailiff) of the Prior, who had been Sheriff (*i.e.*, King's Officer in the City) eight years before. They had

"set up a new tron on the vigil of St. Bartholomew;¹ refusing to allow any one to weigh, except with that tron, and this, in contravention of the liberty and customs of the City; wherefore the principal men of the City with their Mayor, Peter Fitz Alan, and a multitude of the Citizens went to the Priory of St. Bartholomew and advised the Prior and Canons to make amends for that act of presumption, and to desist therefrom; whereupon they forthwith gave up the practice, and by the Mayor and Sheriffs of London, it was published that every man was to sell, buy and weigh in that market just as they previously had been wont to do."²

but sustained
by Charter.

Having established their authority, the citizens proceeded to regulate the mode of weighing, and brought the result of their deliberations into operation 6th December, 1256, just ten years later. The Archives of the City tell us how they did so.

"It was customary when values (*pecunia*) which have to be sold at the beam (*per stateram*) were being weighed, for the beam to incline towards the value (*versus pecuniam*) except gold and silver, which is always weighed by a middle pin (*per medium clavum*) neither leaning towards the weight nor towards the gold or silver;³ and that the weigher who weighs by the King's Beam (*per stateram Domini Regis*) in the City can by such draught (*tractum*) allow a greater weight to one than to another, either through favour, or fear, or bribe, or perchance, carelessness (*ignorantiam*). It was therefore provided and enacted on the Saturday after the feast of St. Nicholas (6th December), 41 Henry III. (1256), that all values (*pecunia*) which have to be weighed by the Beams (*per stateras*) of the King in the City shall be weighed as gold and silver, in no way drawing towards the value (*pecuniam*); and that in lieu of such draft (*tractus*), the vendor ought to give to the buyer four pounds in every hundred."

They aimed
at exactness
in weighing,

¹ "Bartlemy Fair."

² Op. cit. pp. 12, 13.

³ "Excepto auro et argento, quod semper ponderatur per medium clavum, neque trahens ad pondera neque ad aurum sive argentum." Lib. de Antt. legg. fol. 70 b, Stapleton, *vide* supplement, p. 63.

This is the origin of *Tret* ; but that is not the subject in hand. It is the meaning of the words *per medium clavum* that is under consideration, and the mechanism implied. There has been much ink shed over the meaning of the words,¹ but for the present purpose it may be assumed that they mean with the “fulcrum in the middle,” as gold and silver is weighed, *viz.*, a ‘balance.’ It may be inferred from all this that, although the balance with equal arms (for that is what a ‘middle fulcrum’ necessarily implies) was the instrument in use with moneyers, it was not the form in common use among the people. It argues the existence of other instruments which did not swing for equipoise upon a middle pivot.

The ordinance was not aimed against any particular weighing implement, but in favour of one which it seems had no distinctive title ; but which, by a consensus of merchants who conducted their trade by weighing, was judged the most appropriate. Not only was the enactment in itself important, but the timing of it is suggestive.

It was passed in December, 1256, a few months before the issue of a new coinage—the gold penny—a coincidence recalling the unison of sterling money with the first notice of the Guild of Pepperers, 1180.

In the year 1257²

“the King issued a new coinage of gold pennies, each two sterlings in weight, of the purest gold, and that the gold coin should pass

¹ Caused by confusing “clavus,” “clou,” “clove” and “cloff,” too intricate for discussion here.—See supplement, *infra* p. 62 and “Richard Grafton, Grocer—A sequel,” pp. 126–135.

² Lib. de Antt. legg. (fol. 72, p. 29, Stapleton’s Transcript).

M^o. CC^o. lvii. in fine anni regni regis xli. Hoc anno retentus est Radulphus (Harden) Maior.

Thomas Filius Thome	} Vice-comites.
Robertus de Catalonie	

Dicto vero Roberto mortuo, factus est Vice-comes Matheus Bukerel

current in value for twenty 'sterlings"—the 'sterling was a silver penny. The month in which this attempt to establish which was undergoing experiment. a bimetallic currency was promulgated is not stated, but it is stated that "On Sunday next, after the Feast of All Saints [1 Nov., 1257], the Mayor and citizens, appearing before the King by his precept, he put them to question conjuring them by the fealty by which they were bound to him that they would certify him, according to their consciences, whether the aforesaid coinage ('*Moneta*') would be useful to the common weal of his Kingdom or not. Who, having held counsel and conference among themselves, came before the King and said, 'that by that coinage great injury might pervade his Kingdom, and especially to the poor of his realm, the chattels of very many of whom were not worth a single gold piece. Moreover, they said that gold by that coinage would be depreciated when that coinage was scattered in so many hands—which was already evident, because gold leaf, which always used to cost ten marks, now would not fetch nine or even eight.' Whereupon, many considerations having been shown why that coinage was not useful, the King said, 'I will that this coinage pass [*currat*], the penny for twenty sterlings, but that no one shall be compelled to take it, and whoever may take it shall be able to exchange it [*illum excambiare*], where he will, without hindrance, prejudice, cavil [*sine occasione*], and if he will he may come to Our Exchange, and shall have for every such gold piece nineteen (silver) pennies and a half '*[obolum]*.'"

The shadow of this coming fiat of Henry III., which made gold and silver to balance one another in certain proportions, may have furnished the motive for the civic enactment which so closely came with it. The silver penny was still kept as the standard unit of weight and value, but gold became secondarily a standard also. Both were 'always weighed by a "middle pin." The citizens judged it reasonable that all values to be tested by such standards should be similarly weighed. But courtiers were ruffled.

in Crastino Sancti Luce, qui amotus fuit Idus Februarii et factus est Vice-comes Willielmus Grapefige [a pepperer]. Hoc anno creavit Rex monetam auream denariorum, ponderis duorum sterlingorum, de auro purissimo et voluit ut ille aureus curreret in pretio viginti sterlingorum.

The attempt again checked by the Court, "This year¹ [1257-8], shortly before the Feast of the Purification [2nd February], a certain roll was found in the wardrobe of his lordship, the King, at Wyndlesore, sealed with green wax, and placed there by some unknown person, in which were set forth many articles against the Maior to the effect that the City had been aggrieved by him and his counsellors beyond measure,"² . . . "as well through tallages unjustly made as other injuries unjustly inflicted upon the commons of London. In addition to which that the beams of the King (*statera regis*) and weights had been changed, which ought not to be done without the King. To which answer was made that the beam and weights (*statera et pondera*) had not been changed, but the form only (*forma tantummodo*) and mode of weighing (*modus ponderandi*)."³

Then comes a repetition of the former paragraphs explaining the reason of the enactment of the City Corporation, and of the allowance "pro tractu." The words "per medium clavum" indicate what the change of form consisted in, and the words "ponderetur sicut aurum et argentum" what the change in the mode of weighing meant; but there was no name for the instrument by which this was to be achieved.

but pursued
with success
by the
citizens.

After much wrangling the King was appeased, the constitution of the City restored, and the citizens, as before, left free to govern all

¹ Lib. de Antt. legg., fol. 72 b., Stapleton's copy, p. 30—Riley's translation, p. 33.

"M^o CC^o lvii. in fine anni regni regis xli. Hoc anno inventus fuit quidam rotulus in warderoba Dom. regis apud Windlesoram sigillatus viridi cera"

² *Ibid.* fol. 74. Stapleton, p. 34—Riley's translation, p. 37. The quotations are not continuous, but selected so far as they deal with weighing.

³ "And this for the purpose of securing great benefit, and greater accuracy had been done through the agency of more than five hundred trustworthy men of the City."

Et hoc pro magno bono et pro magna fidelitate factum fuit per provisionem plus quam V^o virorum fide dignorum de civitate.—Lib. de Antt. legg.—Stapleton, p. 34. There is a misprint in Stapleton's copy, ij^c should be v^c.

weighing within the walls and liberties of the City. And in this connection it is noteworthy that weighing and the coinage were again correspondent.

The only word officially used for a weighing instrument at that time was 'Statera,' rightly rendered in English by 'Stalier' or 'Stilliard,' its derivative, a one-scaled lever (*lanx*) for weighing the 'Stater,' the ancient standard of value and weight. It was officially used to comprise all forms of weighing levers with fixed fulcrums; whether placed at the middle or end of the beam.

The 'Auncel' was also a (*lanx*) or one-scaled lever, but assuming it to be the 'Danish balance,' with no fixed fulcrum. Different in principle, it was differently named. But there was no name for the instrument by which gold and silver were weighed, by a middle pivot. The thing existed, no doubt, so the name for it came—*bilanx*, *balaunce*. When it came the specially descriptive words, 'per medium clavum,' fell out of use. They are found as late as 1269,¹ but never later.²

Early in the reign of Edward I., 1275, (?) the word "balaunce"³ is found, which carried the meaning more

¹ Liber de Antiquis legg., fol. 117 b, p. 118.—Stapleton's Transcript.

"De stateris et ponderibus mercatorum extraneorum ('in fine anni regni Regis l^o tertio A.D. M^o CC^o LX^o nono')"—these words occur: "Ita quod habuit emptor ad quemlibet centenarium iiij^o libras pro tractu ponderato per medium clavum sicut aurum et argentum." There is a misprint in Stapleton's copy, 'clavium' should be 'clavum' according to original MS.

² In Sharpe's Calendar of Wills, vol. i., p. 22, The will of 'Arnold Thedmar' is set among those proved in 1274-5, Roll 7 (35). The will itself bears no date. There is no evidence that the word "balancia" or "balaunce" was in use during his life.

³ Lib. Albus, fol. 193 b.—Rolls Series, Riley's ed., p. 226.—

"Au poisage pertainent qe chescune merchaundize qe serra vendue par peis, amesne en la citie par marchauntz estraungers si elle soit

concisely. This is the earliest known use of the word, and it is used in a manner suggestive of established acceptance. In the year 1282 it is found among the City Records as denoting a person—Thomas le Balauncer,¹ and in 1286² William le Balauncer is named, and again in 1295³ John Le Balauncer occurs. All this shows that the word had begun to be used in the City early in the reign of Edward I., but not how it was introduced. The entries in the Letter Books being all in Anglo-Norman suggests that the word came in through trade intercourse from abroad, and was not yet official. For instance, in Letter Book A, fol. 133⁴, Silvester de Farnham was admitted and sworn for weighing by the great beam [*per magnam stateram*] of the Lord the King [22, Ed. I., 22nd Feb., 1293-4]. This entry is in official Latin, and "*statera*," not "*balancia*," is the word used for the weighing instrument. But about two years later, when the Mayor had been made to give way to a Warden of the King's choosing, Sir John Bretun [25, Ed. I., 1296], "Silvester de Farnham" is styled "*custos balancie Domini Regis*"⁵ in a "Memorandum" of official Latin, as if at last the word had obtained State recognition. From all which it may be inferred that not only was the spiteful attack against the City repelled, but that the action of the citizens in regard to weighing was respected by the King's Government.

venu en groos par cent or par demy cent deit estre peise par balaunce le Roy. . . ."

¹ Letter Book A.—Sharpe's Calendar, p. 61.

² *Ibid.* p. 166.

³ Letter Book B.—Sharpe's Calendar, p. 63.

⁴ Sharpe's Calendar, p. 225.

⁵ Lib. Custumarum (Rolls Series), Riley's Transcript, p. 107, and Letter Book C, fol. xxiii.—Sharpe's Calendar, p. 25.

The lever
with middle
pin newly
named
'balaunce'
from
'bilanx :'
1275,

and so
recognised
officially,
1296,

The titles of the guilds, to whom the credit of this development is mainly due, are given in this "Memorandum."¹ They were Woolmen, Pepperers, and Ropers, representatives of the Tron and averdepois systems, Silvester de Farnham himself representing the Apothecaries.² This man as custodian of the 'Balancia,' had to make proof of the accuracy of the weights and scales in use among both citizens and strangers in the City by a house-to-house visitation.

So far as the City proper was concerned, the balance with a pair of scales and middle pivot was established officially, but outside the liberties of the City no such rule prevailed. Indeed, the advisers of the King seem to have thought the citizens to have been guided by whims and fancies in their regulations about weighing, for in the next year [26, Ed. I.] the King ordered a Tron to be specially made for the weighing of wool in his town of

¹ "On Friday next after the feast of St. Edmund King (20th Nov.), 25 Edw. I., 1296.-"

"Silvester de Farnham, custos balancie Domini Regis summonitus fuit ad portandum dictam balanciam, cum duobus ponderibus continentibus centum, que portantur cotidie de domo ad domum ad ponderanda bona civium Londoniarum, et etiam bona mercatorum extraneorum; ad probandum si adhuc essent bona et justa. Et probata fuerunt dicta pondera, videlicet centum coram Aldermannis, lanariis, piperariis, et cordariis, qui ad hoc assignati fuerunt per dictum Johannem Bretoun tunc Custodem civitatis Londoniarum, et Aldermannos. Et tunc compertum fuit, coram subscriptis, quod dicta pondera deficiebant de una libra et dimidia, pro portagio et usu. Ideo consideratum fuit quod dicta pondera emenderentur. Nomina eorum qui assignati fuerunt; videlicet Willelmus de Mazaliner, Symon Godard, Johannes de Bureford, Willelmus de Helmetone, Johannes de Guldforde, Willelmus Walraund, Johannes atte Gate et Stephanus de Prestone cordarii et piperarii."

² Letter Book C, fol. xviii.—Sharpe's Calendar, p. 17.

but only so far as the City itself was concerned. Lynn, quite at variance with their decision. The order was given while Sir John le Bretun was *custos* of the City, the Mayoralty being in abeyance, though carried out after the Mayor had been restored.

"On Sunday, 19th April, 1298, came Sir John le Bretun, late *custos* of the City, and brought a certain letter, bidding him restore the City with its Mayoralty and liberties to the citizens.¹

"The following Sunday the King's writ came to Wm. de Betoyme, addressed to the Chamberlains of the City :

"Edward, by the Grace of God, &c. We remember to have given orders for a tron to be made for weighing wool in our town of Len, and for such tron to be carefully examined and proved at the Guildhall of London, and thereafter to be brought to our Exchequer at Westminster. And because we are unwilling that the matter should be longer delayed, we bid you strictly to appear at our said Exchequer on Sunday after Easter, bringing with you the said tron, examined and proved in manner aforesaid, to do what our Barons on our behalf shall enjoin therein. Witness, J. de Cobbeham, at Westminster, 18th April, 26, Ed. I. [1298].

"Concerning which order the said William dared not do anything before the coming of Henry Le Galeys, the Mayor.

"The Tuesday following came the Mayor, and another writ addressed to the Mayor and Chamberlains," in these words, "Edwardus . . . &c.

"*'Mandamus vobis sicut pluries quod tronam illam quam nuper vobis fieri facere mandavimus pro lanis ponderandis in villa nostra de Lenne, in propria persona vestra deferatis ad Scaccarium nostrum apud Westmonasterium hac instanti die Jovis in festo Apostolorum Philippi et Jacobi liberandam ibidem. Et hoc nullo modo omittatis.'* 30th April, 26 Ed. I., 1298."

Again were the citizens thwarted in their aim of simple weighing, There is a tone of petulant impatience in this reiterated writ which suggests indisposition on the part of the citizens to provide a weighing lever entirely opposed to the form which they had so recently fixed upon for their own use. However, in consequence of this mandate

¹ Sharpe's Calendar of Letter Book B, p. 213.

the Mayor caused to be summoned certain woolmen, *viz.*, Martin Box, *Alderman*, John Turgis, Richard Cristemasse, Walter le Fullere, William le Fullere his brother, John Buhze, *Woolmen*, and Thomas Turgot, *ancermaker*, sworn to the tron at Lynn, for weighing wool in that town, which very tron contains in itself (*continet in se*) four “*pisas*” and fourteen “*clavos*” (*quatuor pisas, et quatuor-decim clavos*).¹ Whatever the meaning of these words, it is clear that the instrument was no “balance” in the sense of a “pair of scales.”

“Pisa” is surely the equivalent of the Italian “pesa,” a weight or bulk for weighing, or to be weighed.

“Clavus” can be nothing other than “nail” or “pin” or “boss”; indicating the point at which the lever had to sway, for poising a particular weight.

being com-
manded by
the King to
make an
auncer called
a Wool-Tron,
for Lynn.

Thomas Turgot, who was summoned to assist the woolmen in testing of this Tron, was “ancermaker”; this Tron, therefore, was an “auncer” in construction for weighing wool; and specially designed for the purpose.

Wool was a “staple.” A sack of wool was at one time the standard of value.² It belonged to “speciaria,” troy

¹ Letter Book B, fo. 93 b. Sharpe's Calendar, p. 214. Also p. 73 (supplement).

² *Ancient Laws and Institutes of England*. Printed under direction of the Commissioners on Public Records of the Kingdom, 1840, with Preface by B. Thorpe, p. 114, “Of money and measures,” sec. 8. “And let one money pass throughout the Kingdom; and let no man refuse: and let one measure and one weight pass; such as is observed at London and Winchester; and let one wey of wool go for cxx.” [cxx. peningza = 10s. A sack of two weys of wool = 20 shillings, equivalent to King Henry's gold-penny of A.D. 1257]. “And let no man sell it cheaper; and if any one sell it cheaper, either publicly or privately, let each pay XL. shillings to the King, both him who sells it and him who buys it.” Translated from Anglo-Saxon which is printed by its side.

weight, not to averlepois. It was the King's "peculiar." The Lord Chancellor sits on a Woolsack. The citizens had no rights over the Wool-tron. Commodities in general (*averia ponderis*) were ordered to be weighed by the balance within the City ; but wool, by the King's Tron ; which was a one-armed lever. This was not meddled with for 50 years longer.

The King's requirement was fulfilled, the Tron was proved "*et signata fuit signo civitatis Londoniarum.*"

The citizens had established among themselves the supremacy of the balance over every other form of weighing lever. But the King, by his Barons, looked further afield. With a view of protecting merchant strangers and foreigners, the King promulgated (February, 1303, 31 Ed. I.) a statute¹ granting special privileges. In October, 1305, 33 Ed. I., the King issued a writ prescribing the manner in which merchant strangers and foreigners were to use weighing.² It is an interesting and important document. It is addressed to the Mayor and Sheriffs of London.

"Whereas, among certain articles, which we, by our charter,³ for us and our heirs, have granted to merchant strangers and foreigners coming with their goods and merchandize within our realm and power, we have ordained that in every merchant vill and fair within our said realm and power, our weights should be kept in a fixed place, and that before weighing, the '*statera*' should in the presence of the buyer and seller, be seen to be empty and the arms of the said '*statera*' be equal, and that henceforth the weigher should weigh equally, and that when he had placed the '*statera*' evenly he should remove his hands, so

Again the City is confronted by a writ of the King, in the matter of weighing,

¹ Liber Custum.—(Rolls Series) Vol. I., p. 205.

² Letter Book C, fol. lxxix. b.—Sharpe's Calendar, p. 127.

³ The "*Carta Mercatoria*" or "*Statutum de nova Custuma*," see Sharpe's Calendar of Letter Book C, p. 127.

that it remain even :¹ 'We command you as we have already commanded you, that you cause our aforesaid ordinance in all things to be straitly observed with the same merchants, according to the terms of our charter aforesaid ; or otherwise that you signify to us the reason why this our command already laid upon you, have failed to obey. Witness ourself at Westminster, 14th October, thirty-third year of our realm.' " [1305.]

In this the "middle pin" with equal arms, that is the balance, is distinctly indicated, although the word "*balancia*" is not used ; but only the word "*statera*," which will be most fitly Englished by "*beam*." Herein the king and citizens were in accord. The form of weighing, for which the citizens had long contended, was accepted. In the matter of weighing with a level beam they also were at one. On the subject, however, of the allowance 'pro tractu' they were still apart. Then comes the answer, "why" the Mayor and Sheriffs "had failed to obey this our command already laid upon" them.

"Return. The manner of weighing '*averia ponderis*' coming to the City of London from time immemorial, was and
 and still is, that the '*statera*' should always draw towards
 answered the better (*trahat versus meliorem*), that is towards
 effectively, the goods bought (*versus rem emptam*), and in that way the said goods are sold to archbishops, bishops, earls, barons and others soever buying goods of that kind in the said City ; and this custom and manner of weighing our ancestors have used, and we

¹ "Statutum de Nova Custuma."—Lib. Custumarum, fol. 160 b. Rolls Series, p. 208, 31 Edw. I., 1303.—

"Item volumus, ordinamus, et statuimus, quod in qualibet villa mercatoria et feria regni nostri predicti, et alibi infra potestatem nostram, pondus nostrum in certo loco ponatur, et ante ponderationem statera in presentia emptoris et venditoris vacua videatur ; et quod brachia sint equalia, et ex tunc ponderator ponderet in equali. Et cum stateram posuerit in equali, statim ammoveat manus suas, ita quod remaneat in equali."

hitherto have used, and our lord the King has confirmed to us by his charter our liberties and free customs which we have hitherto used by grant of his predecessors Kings of England. Wherefore we cannot nor ought to change the customs of his City used and approved by reason of the grant now made to merchant strangers to the injury and prejudice of his citizens, and also to the magnates and commonalty of his realm, especially since in the charter granted to them, it is contained that weighing should be done in the manner in the said charter contained, when it is not against the lord of the place or contrary to the liberty granted by the lord the King himself or his ancestors, or contrary to the custom of the villis and fairs hitherto observed."

In this reply, the paragraph—"Usualiter consuetudo est"—in the Lib. de Antt. legg., already quoted (*supra*, p. 18) was evidently in the minds of the citizens. It had been always usual in weighing to allow the beam to bend towards the goods, that the buyer might be sure of full weight; it was in one of the Articles of the Great Charter, and "user" had established it as law, which even the King could not abrogate. It was known as one of the courtesies of London, equivalent to what nowadays might be called "company's terms." As business men the citizens could not break faith in dealing, but they could and did make uncertainty definite by prescribing a fixed allowance "*pro tractu*," known as "*Tret*" in Norman, "*Cloffe*" in Saxon.

It is noteworthy that in the King's reproof of the citizens, dated 1305, as well as in the Statute "*de Nova Custuma*," of 1303, upon which that reproof was based, "*balancia*" was not used, but the word "*statera*" only; notwithstanding that it was not the "*steelyard*," but the "*balancia*" that was being described. It suggests that the word "*balancia*" had not become officially recognised by the authorities of the Crown, and supports the surmise that the word was of mercantile introduction.

The citizens evidently knew their power better than

and the writ
declared
illegal a few
years later.

the Barons, or whoever they were who were guiding the King. The statute of 1303 was declared to be illegal in 1311.¹

There was no covert defiance in this defining of their rights. Always staunch in standing out for their commercial independence and privileges, they always had been—as they always have been—loyal to their King. The ordinance drawn up by them in 1309, “*de modo ponderandi per balanciam*,” known by its opening words “*Quia Sæpius*,” testifies to their desire to harmonise the maintenance of their privileges with the requirements of the State; which were reasonable as well as politic. To avoid making the allowance “*pro tractu*,” a separate act in weighing, they fixed it on as a definite increment² to the weights themselves. The ordinance provided that :—

Whereas frequently aforetime many and diverse contentions used to arise between foreign merchants selling and civilian merchants (*mercatores privatos*) buying divers ponderable goods (*averia ponderis*) and precious things (*speciaria*), which used to be weighed by the Balance (*Balanciam*), “the great as well as the small,” inasmuch as there was uncertainty about the turn of the scale (*super tractu ponderacionis*), for that the weigher gave to some more and to some less, as was reported. For the avoiding which contentions and for its future prevention, it was agreed by Thomas Romain, the Mayor, and the Aldermen, and with the assent of [eleven] citizens and merchants of

¹ Sharpe's Calendar, Letter Book C, p. 117. Quoting Stubbs's Const. Hist. ii. pp. 157 note, 192-3, 524 5.

² *Ordinacio facta de modo ponderandi per Balanciam*, 3 Ed. II., 1309.—Letter Book D, fol. xcvii.—Sharpe's Calendar, p. 209.—A translation of this is printed in Strype's ed. of Stow's Survey, Book v., p. 257. The original is printed in introduction to Grocers' (fac-simile) Archives.

London, and [eleven] merchants of Almaine, and [nine] merchants of Lombardy and Provence, that all

“*mercandise averii ponderis*, such as wax, almonds, rice, copper, tin, and whatever has to be weighed by balance (*balanciam*), shall for the future be weighed level (*in equali*), as the weigher removes his hands away. So that the weigher, while weighing, shall, in the act of weighing, set the balance (*balanciam*) *in equali* when the weigher removes his hands therefrom, so that it may be seen that neither to

The variance
was composed
by adding the
Tret or *Cloffe*
on to the
weights
themselves.

the seller nor the buyer does he give any more than is just, nor in any manner whatsoever withhold it; and that each ‘cwt.’ of such *grossis averii ponderis* shall contain 112 pounds, and each ‘cwt.’ of small *speciaria*—to wit, ginger, saffron, sugar, maces, and other kinds which are sold by the pound—shall contain

104 pounds.”

It was to ensure for the buyer the “turn of the scale” in his favour—a custom of immemorial obligation—without confusing or annoying strangers or foreigners unfamiliar with this local habit, that the allowance *pro tractu* was included in the counterpoise itself. Thus the King’s purpose was gained.

Exact weighing by the balance with equal arms—a pair of scales—a middle pivot and level beam, was thus settled by act of common council, guided by those traders who were expert in the art—*viz.*, pepperers, ropers, iron-mongers, spicers, apothecaries, and the rest—for all mercantile weighing between merchant and merchant within the City before the year 1309.

It will be well to note here, if only in passing, that a *grossarius of sopereslane*¹ as the title of a calling or craft is found in the City Records as the master of an apprentice in 1310.

These weighing guilds must have had some tie of concord, though not united as one body, because in

¹ Letter Book A, p. 110 b.—Sharpe’s Calendar, p. 248.

6 Ed. II., 1312, in the Letter Book D (Sharpe's Cal., p. 296), it is recorded that :—

“On Wednesday after the feast of St. Michael (29th September), there came good men of the commonalty, *viz.*, of the trades of pepperers, corders, ironmongers, apothecaries and divers others who occupy themselves with ponderable goods (*se intromittant de averio ponderis*), and in the presence of Nicolas de Farendone, acting as *locum tenens* for the Mayor on that day—inasmuch as the Mayor was

In 1312 the weighing trades concurred in presenting a pepperer, Andrew Godard, to the Sheriff as weigher of the Great Beam.

attending the King's Council in Westminster on other business of the City—Richard de Gloucestre, Wm. de Combemartyn, Wm. Cosyn, Nicolas Picot and John de Lincoln, *Aldermen*; and Richard Welleford, one of the Sheriffs, presented *Andrew Godard*¹ to the office of Weigher of the Great Beam (*magne statere*), whom they had chosen as a good and trusty man to execute that office, and not to let it to any one to term, for that would be a great hurt to the trades

aforesaid. And the aforesaid Richard, the Sheriff, admitted the aforesaid Andrew, and the aforesaid Andrew was sworn to well and honestly weigh as well for poor as rich and all others who should come to the *balance* (*ad balanciam*).”

These several bodies, when they came together [in 1312] to elect Andrew Godard as Weigher of the Great Beam, were not associated by rules of common government;

In 1345 these trades composed the ‘mestera averii ponderis,’

but they are found in the year 1345, combined under the title of “Mestera averii ponderis Piperariorum de Soperes Lane, Roperia et de Chepe”; a body which on 25th July of that year, *viz.* 19 Ed. III.,

elected John Swetynge and Edmund Bretyn, Brokers—*corum mestere*.² Such an act as this would not have been done unless the body had been properly constituted; its members, therefore, must have been consulted in framing

¹ Andrew Godard, “Pepperer”—See Letter Book B, Sharpe's Calendar, p. 226.

² Letter Book F, fol. 106.

the ordinance "De parva balancia de novo constructa,"¹ of the year before, viz., 18 Ed. III., 1344,

" . . . that the small balance be fashioned (*fabricetur*) anew, and that the tongue of the *statera* of the same balance be perforated in the middle of the same tongue, so that when the article for sale shall be placed on one end of the said balance, and the weight belonging to the same balance on the other end of it, that the top of the tongue of the *statera* of the said balance shall stand directly upright and exactly under the cloffe of the same balance not declining, &c."

Beyond stating that the word *balance* means the whole instrument; *statera*, the beam or horizontal bar; the *tongue*, the cock or indicator fixed as part of the beam, and at right angles to it; and that *cloffe* means the bend or crutch of the fork, between whose prongs, which hold the pivot, the tongue plays as the beam swings, it will be superfluous to dilate. The "parva balancia" belonged exclusively to the Corporation of the City. The King had no authority over it.²

By means of this association of weighing-guilds led by the pepperers, the pattern of a specific form of balance for use within the City was provided. Weighing "per medium clavum," after a lapse of eighty years, was made absolute, and the principle of exact weighing, for which the citizens had contended so earnestly in 1256, established in 1344.

This was a period of national crisis. The King was clutching at money wherever it was to be had, to carry on his war with France, for which his naval victory at

¹ Letter Book F, fol. 93 b. Sharpe's Calendar, p. 113.

² Letter Book A, fol. 95 b. See Sharpe's Calendar, p. 191 (19 Ed. I., A.D. 1291), "The Small Beam (*parva statera*) was given and granted to William de Betton for term of his life by award of the aforesaid Warden, Sheriffs, and Aldermen and the whole commonalty." —Op. cit., p. 191, "The King's writ that the small Beam might be vested in Jacobina la Lombard (19 Ed. I., 28th June, 1291). Return to the effect that the King's request could not be complied with in consequence of the above grant."

Sluys in 1340 had whetted his appetite. His bankers, the Bardi and Peruzzi, of Florence,¹ were ruined by his exactions, and the citizens of London were being pressed for loans. Guilds of similar trade habits were combining into companies for mutual support. Those which trafficked by weighing, united about the year 1344,² under the title of "mestera averii ponderis." Of this the Pepperers were unquestionably the leading section, and were at the same time the most influential and wealthy of all the guilds of that day. This body made a separate Fraternity among themselves in May, 1345, "The Fraternity of St. Anthony," "pur amur et unite de plus avoir maintenir et encrescer entrereux." All members of the General "Mestera" were eligible for election on to this Fraternity, which ultimately grew into the Livery of the Company of Grocers.

In 1346, the victory of Cressy calmed the commercial trouble, and gave opportunity for trade development. During the lull that followed this victory, *i.e.*, five years after the "mestera averii ponderis" had come into action, it happened that a kind of tron, which the citizens had shewn such disinclination to make for the King's "vill of Len," in 1298, was abolished by statute, 25 Ed. III. 5 c. 9, A.D. 1351-2, under its Anglo-Norman vernacular name of "Auncell."

In 1351-2 a statute condemning the 'Auncell' was passed, "Ensement pur se qe grant damage and disceit est fait au poeple par tant qe plusours marchantz usant dacheter and poiser laines and autres marchandises par un pois q est appelle auncelle accorde est et etabli qe celle pois appelle auncell entre achatour et vendour soit del toute oste et qe chescun vend et achat par balances . . . &c."

¹ "Archæologia," vol. xxviii., p. 259. Translated from Italian of Giovanni Villani by Mr. Bond. Quoted in Introduction to Fac-simile Archives of Grocers' Company, p. xvi.

² It elected Brokers in 1345, v. s. p. 7.

This was brought about by the merchant citizens of London, instigated, of course, by the dealers in ponderable goods—the “mestera averii ponderis, piperariorum de Soperes Lane, de Roperia, et de Chepe.”

no doubt at
their insti-
gation.

Wool, then, was no longer to be weighed by a special tron of its own, but by a balance with two scales or dishes, conformably with the practice of the moneyer. It did not, however, belong to averdepois but to troy, tron, trojan, troy-novant, old London weight, so that before wool weighing could be entrusted to Pepperers and others, weighing by the merchant's weight, the title had to be changed. When, therefore, the guilds were again solidifying themselves into companies, during Prince Edward's prosecution of the fruitless war with France, and were required to profess a definite craft or calling, the “mestera averii ponderis” was no longer found; but instead, on 20th November, 1365, a “mestera Grossariorum, Piperariorum et Appotecariorum” is found

In 1365,
twelve men,
six of whom
were Pep-
perers, were
elected mana-
gers of the

recorded¹ in Letter Book G, fol. 173 b, when twelve men—six of whom were Pepperers, two Ropers, two Spicers, and two Apothecaries—were elected wardens, and these on the same day appointed John

¹ Extracts from Letter Book G, in City records, fol. 173 b:—

Soperes Lane	{	Johannes Warde...	...	Johannes atte Gate	...	} Roperia.
		Robertus de Hatfield	...	Hugo de Caustone	...	
		Willelmus de Herkested	...	Adam Carlel	...	} Chepe.
		Willelmus de Brecles	...	Johannes Maryns	...	
		Thomas Thorneye	...	Willelmus de Eynesham	...	} Boke- leresbery.
		Nicholaus Chaucer	...	Johannes de Ho	...	

Vicesimo die Novembris anno regni Regis Edward's tertii post conquestum tricesimo nono omnes isti electi fuerunt custodes et supervisores mestere Grossariorum, Piperariorum et Appotecariorum et jurati, &c. Et esdem die eligerunt Johannem Younge custodem Magna Balancie et juratus, &c. See also Extract V. in fac-simile, Archives of Grocers' Company.

‘Mestera’ of Grocers, and elected the Keeper of the King’s Great Balance, Young keeper of the Great Balance of the King,—“magne balancie Domini Regis.” Here again the prominence of the Pepperers of Soper’s Lane, who had founded their Fraternity of St. Anthony in 1345, is distinctly maintained in the constitution of this new Company.

‘Grossarius’ was no new term, as has been stated above. In the year 1310, among “Recognisances” entered in Letter Book B, fo. 110, the name of “John Guter, grossarius, of Soperes Lane,” occurs. In 1319 [12 Ed. II.], it had been made necessary for citizenship, that a denizen should be a member of one of the trades or industries.¹ Consequently, in 1328, in a list of Governors and Managers of Diverse Mesteries of London (Letter Book E, fo. 190), the Grossarii appear as a distinct body (mestera), with the names of two, and only two officers, both of whom are known by other records to have been Pepperers.

The Grossarius of Soper’s Lane was akin to, if not identical with, Pepperer of Soper’s Lane; a term associated with the Great Beam, the wholesale Beam of the King, the “peso grosso” of the Lombard merchants, the merchants’ weight, averdepois, in contradistinction to the “peso sotile,” by which “speciaria” were weighed in small parcels. There was not any record of a “mestera averii ponderis” in the list of 1328. But during the financial crisis above mentioned, when guilds were herding together for defence in 1344 (circ.), the term grossarius was dropped in favour of the more comprehensive term, “Mestera Averii Ponderis Piper-

for all forms
of wholesale
weighing.

ariorum de Soperes Lane, de Roperia et de Chepe.” But when wholesale troy-weighing had to be included in the Company of Weighers by the Great Beam of the King, “Averia Pon-

¹ First Charter of Ed. II., Norton’s Com., pp. 120, 429. See also Letter Book E, Sharpe’s Calendar, p. 134.

deris" was no longer a suitable name, so the term Grossarius was revived.

Into this "Mestera Grossariorum" John Chircheman, who had the custody of the Wool Tron, at that time brought his charge, which remained part of the Company's responsibilities thenceforward. And so it was that Grafton was able, two hundred years later, *viz.*, 1564, to report to the Court of Assistants, over which he was presiding as Master, that "in tymes past the order of the Queene's Beam and appointment of the officers belonging to the same, appurtained and was proper, and peculiar to, this Company of Grocers." Grafton evidently knew all about it.

It was no mere accident which threw the responsibility of managing the King's Beam and Weigh-house upon the Grocers' Company. It was a development in the direction of scientific commerce, simplifying mercantile exchange, when weighing was the medium. Sterling money was weighed. Coined money was standard weight. Value was measured by weighing. *Bilanx* and *Valens* blended significantly in *balance*.¹ The one-armed

Experts in weighing were wanted to see that the law was fulfilled.

weighing lever *containing in itself* the means of measuring fourteen separate quantities, had been abolished by statute; the balance established by law. For the proper administration of this law, it was necessary to find a recognised body of experts in weighing. The Pepperers, with their trade allies, supplied the want, and as a Company of "Grossarii"

¹ "Nasal *i*, atonic *a*. Bilanciare (Ital.) = Balansar (Provençal), Balance (French). Lingua (Ital.), Langue (French)." — *Brachet*. But the *Penny Cyclopædia*, vol. iii, A.D. 1836, gives "Balance, a corruption probably of the Middle Latin word Valentia, used (see Du Cange) to denote price or value, whence came *valance*, mentioned by the same author, who considers the word *Balanx*, or *Bilanx*, to be a reconstruction from the same idiom. The word *ballancia* is found in the 13th century. From meaning the worth or value it came to signify any

were so employed, they probably having been the means of obtaining the law.

The story
of the
auncell
does not
rest here.

The gist of the story is this : The several Guilds of the City of London which traded through Lombard with Italy, Alexandria and the Levant, co-operated in simplifying the art of weighing to the exclusion of the rougher modes in vogue during the Danish rule ; and combined in forming the Company of Grocers, which was then entrusted with the custody of the Great Balance of the King. But the Company had no jurisdiction. Its function only concerned the custody and management of the Great Balance ; the supervision of the weights and scales and their accurate use ; the appointment of the weighers and porters and their salaries. The Company could prevent the use of the auncell in official weighing, but not otherwise. In the transactions of domestic life it was still used. There is, however, evidence of the Company's concern about it. Although fifty years elapsed before its complete abolition, the Company ultimately compassed its extinction.

The Company, like many of the newly associated guilds, started under its new title and responsibility at a critical time. King Edward III. was in his dotage. The triumphs of victory were being appraised, and found wanting. The nation was chewing the sour cud of costly and fruitless glory. Wicliff and Chaucer were beginning to sway emotions toward individual responsibility in thought and action. John of Gaunt and the Lancastrian faction fostered this movement ; and under the shadow of popular instrument used for ascertaining it ; but particularly when weight was the quality referred to." *The Globe Encyclopædia*, John M. Ross, LL.D., 1876, and others, give the same etymology ;—Fanciful !

discontent made the throne totter. Thence sprang the hundred-year War of the Roses.

The civic guilds were drawn into the turmoil. The Grocers, at that time the most influential¹ of them all, could

When the
Throne
was in
trouble
the
Grocers
took sides
with the
King.

not escape. It will be enough to mention the historic names of two of the earliest members of the Company—John Philipot and Nicholas Brembre—to show that it did not. These were stout supporters of the throne against the Lancastrians. They were Wardens of the Company together in 1369—Sheriffs of

London together in 1372 ; they were Mayors in succession in 1377 and 1378 ; and when Brembre was again elected Mayor in 1383, he was associated on the governing body of the Company with sixteen other Aldermen.

His fate at Tyburn in 1388, which his colleague Philipot escaped by natural death in September, 1384, is an historic feature in the Lancastrian revolt. All this may explain why the Records of the Company, relating to its earliest years, have been tampered with. A glance at the first volume—reproduced in *fac-simile*, and readily accessible—will show how completely all that concerned the politics of the time has been cut out, with all business memoranda ; and explains why nothing about weighing is to be found in them.

There is, however, enough remaining for a consecutive story of the “Fraternity of St. Antony of the Pepperers,”

The
Fraternity
of
Pepperers,
1345,

which is in reality the Livery Guild of the Company. The names of all its Wardens have been preserved. The rules of that Fraternity, its meetings, and the election of

its officers, from the date of its founding in 1345, are all

¹ So much so as to excite the jealousy of the other guilds.—See Herbert, “*Livery Companies*,” vol. i., p. 29.

recorded. But nothing to shew that the Company aimed at the abolition of the 'Auncell.'

There is not any record of the fusion of the Fraternity with the Company as one body until 1373 [47, Ed. III., p. 45, Archives], when the names of the members of the 'Fraternity of the Grocers' then existing are set out, followed by another list of members of the 'Companye' then admitted [p 46]. On the former list there are 79 'persones dez grosers' named, with that of Nicholas Brembre among the governing body; and of John Chircheman, who brought the custody of the King's Wool-tron with him, among the general body of the 'Fraternity,' i.e., of the 'Livery.' Among the 54 names, 'qi sount entrees en le dite companye' that of William Chychele¹ (of whom more hereafter in connection with the weighing) appears as a newly admitted member, or 'freeman.'

There is a folio of Warden's accounts [p. 49] preserved for the year 1374, of no present value. There is not any record whatever for 1375.

But in the year 1376 [50, Ed. III., p. 18] when 'John Warde' (the Pepperer of Soper's Lane, who headed the list of the first governors of the 'mestera Grossariorum' in 1365) was Mayor, with another grocer, 'John Hadle,' for Sheriff, the combination of the 'Fraternity' with the 'Company' was ratified. Ordinances were "agreed to with one accord, and assent for enhancing the honour of

¹ In Sharpe's *Calendar of Wills*, Pt. II., p. 442, there is an extract from the will of 'Wm. Chichele, grocer,' to be 'buried in parish Church of Higham Ferrers, Co. Northampton, near to the place where Thomas, his Father, lies buried remainder to the Master of the College of St. Mary and St. Edward of Higham Ferrers [founded by his Br. Henry Chichele, Archbishop of Canterbury, 10, Henry V.] and Chaplain of the same in aid of the said College, its Chaplain and Clerks' for the souls of himself, his wife and mother, &c. Dated London, July, 1425.

God and Holy Church, and increasing works of charity,"
 under the title of 'les Grocers de Londres.'
 became the Fraternity of the Grocers in 1376. In every subsequent clause the word
 'compaignie' is used. Then follow [pp.
 18-21 inclusive] ordinances very similar to
 those of the Fraternity of St. Antony of
 Pepperers [pp. 8-15], but nothing more.

It is noteworthy and significant that the archives
 are blank during the years 1378, -9, and -80, when
 Brembre, Philipot, and Hadley, all grocers, occupied the
 Mayoralty.

But in the 7th of Richard II. [1383], when 'Monsieur
 Nicoll Brembre, Chevalier,' was again elected Mayor, his
 name appears in the Records [p. 58] at the head of seven-
 teen (17) Aldermen, and one hundred and fourteen (114)
 other 'Grocers vestuez en la livere,' with 'William
 Chechely' among them, while 'Johan Haddeley' and
 'John Chircheman,' both Aldermen, were 'Mestres.'

In this same year, 1383, there is an entry [p. 22] to the
 following effect, in Norman-French, introducing clauses of
 the renewed Charter in Latin :—

"Here follow certain articles in the general Charter of the City
 of London purchased in the time of Sir Nicholas Brembre, grocer,
 then Mayor of the said City, and John Hadlee and John Churcheman,
 then Wardens of the 'Mistier de Grocers' in the said City, the 7th of
 the reign of our lord the King Richard the Second [1383], which
 articles touch especially the said 'Mistier de Grocers.'"

Then among the articles there is this.

"Item quod pondera et statere de mercandis inter mercatores et
 mercatores ponderandis de quibus exitus provenientes et cognitio
 eorundum ad communitatem civitatis predicte pertinent in custodia
 proborum et sufficientium hominum de eadem civitate in officio illo
 expertorum et ad hoc per communitatem predictam eligendorum
 remaneant ad [hoc] voluntatem communitatis illius custodienda et quod
 aliis quam sic eligendis nullatenus committantur."

Why this, the second Charter of Richard II., which according to Norton¹ is a verbatim transcript of the first of Richard II., should be here so pretentiously claimed as purchased in the time of Nicholas Brembre when Mayor, is not easy to understand unless it be to show that the Company was interesting itself in its new responsibilities over mercantile weighing. The article about the weights and scales was not new. It is found in the Charter of 12, Edward II., which, according to the French Chronicle of London,² cost the City a thousand pounds.

It was soon after this that 'William Chycheley' was elected one of the 'Mestres'; and in 1386, 10 Richard II., it is recorded [p. 66] that Richard Hatfield and Thomas Otteley were elected 'Mestres de la Compaynye des Grosseres,' and that they received the parcels after-written for the necessities of the said masters.

William Chycheley looks to the Company's charge.	"In the first place we received from the former masters, to wit, Henry Stacey and William Chycheley a paper of the Ordinances of the said masters, and a chest with two keys and the weights of brass, to wit, half-a-hundred weight, a quarter and half [quarter]. Item 8 lbs., 4 lbs., 2 lbs., 1 lb., half-a-pound, quarter and half-quarter, 1 ounce, half-an-ounce and the punch for marking the weights."
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¹ 'Commentaries,' Book II., p. 478.—"It is a copy of 1st of Richard II. The grant was made in Parliament as the last was, and from the date we may conjecture that it was intended as a ratification of the former Charter by the King on attaining an age of greater discretion, and in deference to the services of the Citizens, another celebrated Mayor Walworth on the occasion of Tyler's rebellion."

² Riley's translation of *Liber de Antt. legg.*, p. 252: "In this year [12, Ed. II., 1318] the new Charter was confirmed by the King, and cost one thousand pounds."

Again on the next page [67] with the same date, 1386, it is recorded :—

“This is the money we have received in our time for sealing the weights of the ‘mestier,’ &c.”

“Item given to Douston, Sergeant of the Chamber, for searching the weights throughout the City, 3s. 4d.”

“Item paid to John Reche for defending ‘le pursute dell Bem,’ 3s. 4d.”

There were at this date, 1386, fourteen [14] Aldermen on the governing body of the Company [p. 68].

In the year 1397 [21, Rich. II.] there were only five [p. 76]. In this year there is a list of the ‘ornaments for the altar of the Grocers’ Church of St. Antonin,’ and also a list of ‘weights belonging to the art of the Grocers, which are of brass’ [p. 79].

In 1398 [p. 81] there is this entry: ‘paid to Robert Chechyle, by common assent, for the Parliament at Shrewsbury, £6 13s. 4d.’ This Robert was brother to William, and at this time a Grocer, although the faulty records fail to tell us when he joined. It was not Robert but William Chechyle, who was Member of Parliament for the City of London, for this year; so at least the list of M.P.s given by Loftie and Dr. Sharpe declare; the entry, therefore, may give the wrong christian name.

In the year 1401 [p. 89] there were six Aldermen on the governing body of the Grocers, of whom Robert Chicheley was one. In 1408 there were six [p. 103], two of whom were the brothers William and Robert Chicheley, whose eldest brother, Henry Chicheley,¹ was

¹ Stubbs’ *Episcopal Succession*, p. 63, Oxford, 1858.

A.D. 1408, June 17. Lucca.	{	Henry Chicheley St. Davids Canterbury 1414 d. 1443, April.	}	P. Gregory XII.
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Among the vindications of Chicheley’s character from the imputa-

at that time Bishop of St. Davids, but from 1414 to 1443 Archbishop of Canterbury.

In 1412, 13, Henry IV. [p. 107], Robert Chichely was Mayor, but there is nothing more recorded than this memorandum that "the Skalldyng Haw¹ . . . belongs to the mistery of the Grocers by bequest of Wm. Standon whom God assoil" . . . they began "to hold his obit and perform his will in the Church of St. Anthony's," etc.

In 1414, 2, Henry V. [p. 111], Robert Chichele was Warden and Governor over the said masters, when certain ordinances were passed against adulterations, but nothing concerning weights. In this year Henry Chicheley, Bishop of St. Davids, was translated to the See of Canterbury.

Now came a respite of public tranquillity. The popularity of Henry V., heightened by the victory of

tions thrown upon it by the agents of the Pope, that of the University of Oxford must not be omitted. They told the Pope that 'Chichley stood in the Sanctuary of God as a firm wall that heresy could not shake nor simony undermine, and that he was the darling of the people, and foster parent of the Clergy.'" [*British Cyclopædia*, Vol. IX]. Mr. Madan of the Bodleian Library tells me that this is taken from Spencer's *Life of Chichele* (1783, p. 103). "In sanctuaris Dei solidus stat ut murus, quem fodere reguit simoniaca cupiditas, quem quatere non valet haeretica pravitas" . . . "Amabilis populo clerique specialis alumnus." Mr. Madan writes, "The University is absolutely dumbfounded that any one should have opened his lips against a Father so humble minded and pious, who gave out virtue as *radium* gives out light ('virtutibus undique radiantem.')" "

¹ "West of the Church of St. Christopher le Stocks, have ye Scalding alley, of old time called Scalding house, or Scalding wike, because that ground for the most part was then employed by poulterers that dwelt in the high street from the Stocks market to the great conduit." [Called subsequently and still "the Poultry."] "Their poultry, which they sold at their stalls, were scalded there."

[Thom's ed. of *Stow's Survey*, p. 71, 1876, quoted by Dr. Sharpe in *Calendar of Wills*, Pt. II., p. 322.]

Agincourt [1415], stayed for a time at least dynastic agitation, and gave opportunity for domestic developments. The English tongue which, so far back as the reign of Ed. III., had by statute, 1362, been ordered to be used in pleadings of the courts of law, "because the French tongue was much unknown," began now to

Ordinances
turned into
English,
1418, when
Robert
Chicheley
was
Master.

supersede the Norman in general use. The Grocers' Company fell into rank with the new order of things. In 1418 [p. 117], the entries begin to be made in English, and the Company resuscitated on the lines of the fraternity of St. Antony of the Pepperers, the word 'Grocers' being substituted.

"Theis Ordynaunces are to be gonne in the worchyp of God in the 3ere of Owre Lord m^l iiij^c xiv. of the Fraternite of S. Antonyn off the Grocers. For hem to maynteyn And susteyn in the best maner to the wiche we praye Gods help His modyre Seynt Marye And alle the holy companye off heven. And the same Ordynaunce turnyd into Englische be the avyce of the Fraternite in the 3ere of Owre Lord m^l iiij^c xvij. Robert Chechele,¹ Alderman that tyme governour Esmond Twyne and Thomas Catworth maysterez."

In this year [1418], the two brothers William and Robert Chechele sat together as Aldermen on the governing body of the Grocers [p. 128], and seem to have taken personal interest in this development.

It will be well to pause here for a little to take notice of the handwriting of this first English entry, and refer to

¹ [From Sharpe's *Cal. of Wills*, Pt. II., p. 490.] "Monday next after F. of St. Valentine M. [14 Feb.], 1439. "Chichele (Robert), grocer. Leaves all his tenements in the parish of St. Antonin to the Master or Warden of the College of St. Mary and SS. Thomas the Martyr and Ed. the Confessor, newly founded at Higham Ferrers by his Brother Henry, Archbishop of Canterbury . . . &c.," dated London, 17 Dec., 1438. See also 'fac simile' copy of Grocers' Archives, p. 257; his executors paid in to Wardens' account £20, A.D. 1441.

the statement in the Preface to the Introductory essay of the 'fac simile' copy of the Archives which tell us about the book itself. It is a composite volume; the first twelve folios are of skin, the rest paper. The numbering of the folios runs straight through the book regardless of the different material. The foliation figures are not all written by the same hand, but none of them are contemporary with the commencement of the book. On several pages it is clear that they were inserted after the writing, and from their forms Mr. C. T. Martin, of the Public Record Office, is of opinion that they were added in the fifteenth [15th] century. In short it seems to be pretty clear that the Book was put together as it now is at the same time that this English rendering of the Ordinances was introduced; and fully a hundred years before Grafton was called upon to prepare a reply to the "Mais-tres" of St. Bartholomew's Hospital. No wonder that he "thought it inconvenient to put their (the Company's) suite in writinge."

Robert
Chicheley
second
time
Mayor,
1422.

In the year 1422 Robert Chechele was again made Mayor [p. 143], but the only notice about it is: "Item, received of certain genz of our mistery for livery made for riding with Robert Checheley, Mayor, lxx. li. ij.s. ix.d. [£70 2s. 9d.]."

In the year 1426, 5, Henry VI. [p. 162], there is this entry: "Item, paie pur le purchas de nostre place apelle le Seignour vitz Water ccxij. vj.s. viij.d." [£213 6s. 8d.]

In the year 1427 [p. 163] 'John Welles, Alderman and Governor, John Melborne,—John Olyve, Maistres.'

"Remembrance that in here tyme that is to wite the viij. dai of Maii. In the yeer of owre loord jm^l cccc xxvjj. [1427] was the Furste stoone leyd of the Groceris place in Conyhoop lane¹

¹ "Cony-hop," i.e., rabbit-run, a narrow lane which led from the Poultry up to Court of Grocers' Hall, Fitz Walters Place.

First stone
of the Hall
laid in
1427.

in the Warde of Chepe, there being present owre worshipful Aldermen Thomas Knolles, William Cambridge, John Wellys, Robert Otteley and many other. And fro the seide viij. of Maij unto the day of here accounte that is to witen the v. day of Juyn next Folewing was maad the foundement of the West gabilende of the halle With the ground which coste as it shewith be here accounte to Fore I written lxxvij. li. viij.s. vij.d. [£77 8s. 7d.].

"Also paid in the same yeer for the purchas of the place ij^cxiiij. li. vj.s. viij.d. [£213 6s. 8d.].

"Summa ij^ciiiij^{xx}. li. xv.s. iij.d. [£290 15s. 3d.]."

On the following year, 1428 [p. 174, Pl. VI.]: "Remembraunce that on Trinite Sondag and the iij. dai of June In the 3er of our Kyng Herry the vj. and in the vj. 3er of his reygne and in the 3er of our Lord Crist a m^l cccc xx viij. [1428] be the Auyse and ordenaunce of al the company grocers was made the Fest and the elleccion of the cheff Governour and Wardeynes of the company grocers as the 3er next felowing the Whilke Fest and eleccion was the fyrst made or occupyed in our place of Conyhopelane the Whilk fest and eleccion was in the parlour of the said place in alsnekule as the hale was but litule begone, the namez of the said governour Wardeynez and of the company as for the 3er ben this :

Robert Ottele than Scheryffe and Alderman dwelling in the barge in Buklersbury.

Sayer Acrez in Soper lane,	} Wardeynez."
Robert Marshall in St. Sythislan	

Then follow the names and addresses of all the members of the Company. Then on [page 179] :

"This ben.serteyn benfettes concluded and inacted by asent of al the crafte and purseut and labor in our tyme—Sayer Acrez and Robert Marshall." [A.D. 1428.]

The first three paragraphs concern the "garbalour." then there is this entry :

Rules for
the
weigher.

"Also that the comone weyer schal euery werkday be redy hyme selffe or another man [of the crafte] in his sted at the Weyhouse frome halffe our to viij. of the clok be the morne tule halffe our afftor xj. And from halffe our of on afftor non tule yt be vj. of the cloke. And that the

sayd Weyer ordeyn suffeyent men and treu at al this tyme to serue the marchauntez as portours schuld doun takyng for thayr travayle as thay dud of ould tyme and no mor of [no man in no] maner wyse.

“Also was ordeyned that no brocor schuld haffe w'tyn his howse balaunce nor wheytz to occupy to thayr owne oyse nor for non oder man and of al maner marchaundyse that they sel to sertefy the byer of whome yt ys bought and had and also to the seller who sales haffe the marchaundyse and of whome he sal ask hys payment and in no maner wayz on payn of forfeitur that the said brocors ber non [chaffers] abowte hemeselffe to any man's housez for to selle.”

The following entry (page 190) has interest in the abstract, but in connection with what was passing outside the Company it may possibly prove significant.

Rules for the Company at large.	“Also the xxviiij. daye off Aust the yer off Owr Lord m ^l iiij ^c xxix. by alle the hole crarfft was made ordynaunce that no man selle no ware uppon no Sondaay nor uppon none halydaye that vigil is uppon by no maner off colour that may be devysed. But that Grete hye need maij excuse and noun othir cause uppon peyne that the maysterz and the Felloschipp associed unto hem wille award ther uppon, &c. This ordynaunce is Renovelyd ¹ on (?) the Reverence off God and amendement off owre sellfe, &c.”
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This year, 1429, brings us to the climax of our enquiry. It was at this date that Archbishop Chicheley the brother
of two

CONSTITUTIO FACTA PER DOMINUM CANTUAR. ARCHIEPISC. . . .
EX REG. CHICHELEY, p. 11, FOL. 83A. . . .
Concilia Magnæ Britanniae . . .

Senescentis mundi malitia ferali more lasciviens contra salutaria majorum constitutiones, et monita conatur indies, et adeo grassatur in vetita, ut nisi diligentia

of two of the most prominent members of its governing body fulminated an Anathema against all who used that mode of weighing, whether in buying or selling. This was followed by extinction so complete that no trace of the instrument can be found in any part of England.

And thus it came about that the Asiatic form of weighing with a shifting fulcrum was put out of use in England by the action of the Fraternity of St. Antony, of the Grocers [Pepperers], in the middle of the 15th century, in favour of the European manner, learnt from Egypt and the Levant. of weighing with a fixed fulcrum, preferably in the middle of the beam,—the balance.

¹ 'Renewed'—often used by 'Chaucer.'—

"Seynt Valentine! a foule thus herd I synge
Upon thy day, or Sunne gan up sprynge.
Yet sange this foule, 'I rede you al awake;
And ye that han not chosen in humble wyse,
Without repentyng cheseth youre make,
Yet at this fest *renoveleth* youre servyse:'"
Complaint of Mars and Venus. Third Canto.

. . . PRO ABOLITIONE PONDERIS VOCATI "LE AUNCCELL WEIGHT,"
. . . HENRY CHICHELEY ARCH. CANT. 15, A.D. 1428, 7 HEN. VI.
. . . *et Hiberniæ*, Vol. *ii*., pp. 516-17.

The maliciousness of the aging world in its fearful wantonness is daily striving against the salutary enactments and admonitions of our fathers, and advances with such strides upon forbidden paths, that were it

pastorali, quos Dei timor a malo non revocat, saltem disciplinæ rigor compesceret, per impunitatis audaciam calcatis legum habenis, tam Dei, quam hominum in omnia latentia excurrerent præcipitia vitiorum. Sunt namque sicuti publica vox proclamat, et ipsa rerum magistra experientia manifestat, in nonnullis civitatibus, burgis, et locis allis nostræ Canturiensis provinciæ callidi plerique emptores, qui suæ salutis immemores, solent a plebeis simplicibus et ab aliis lanam, linum, mel et ceram, ac alia humanis usibus requisita, per mensuram majorem, et per pondus majus vocatum communiter "le Auncell" alias "Scheft" seu "Pounder" emere fraudulenter [et per aliam mensuram minorem, et per pondera minora vocat "avoyr de poys" alias "Lyggyng wyghtys" eisdem simplicibus, et aliis ferrum, calibem, picem, rosinam, et alia mercimonia vendere] in grande suarum periculum animarum, et expoliationem pauperum et simplicium hujusmodi manifestam et aliorum intolerabile detrimentum, non curantes advertere, quod præfatum pondus "le Auncell" vulgariter nuncupat propter nonnullas abditas, falsitates et fraudes in eo latentes, et per idem usitatas, nedum lege divina qua dicitur "Statera dolosa abominatio est apud Deum;" et alibi "non habebitis in saculo diversa pondera majus et minus; nec erit in domo tua modius major et minor; pondus habebitis justum et verum," etc., verum etiam canonicis institutis et constitutionibus sanctorum patrum in genere, regiis etiam statutis sub pœnis forisfacturæ omnium eo pondere emptorum, et carceris per duos annos nominatim, et in specie prohibetur, neque verentes ex-

not for the assiduous exercise of the pastoral office, for the purpose at least of checking by the rigour of discipline those whom the fear of God cannot recall from their evil way, men's audacity would be so fostered by impunity, that they would run with light hearts into all the headlong ways of wickedness, trampling under foot all restraints of laws as well of God as of man. For, as the public voice proclaims, and experience the teacher of facts plainly shews, there are in certain cities, boroughs and other places of our province of Canterbury many cunning dealers who are accustomed to buy from simple folk of the common sort and others wool flax honey and wax and other things required for men's use by that greater measure and greater weight commonly called *le Auncell*, otherwise *Scheft* or *Pounder*; and by a different and lesser measure and lesser weights called *Avoyrdepoys*, otherwise *Lyggynge Weyghtys*, to sell to the said simple folk and others iron steel pitch resin and other merchandise, to the great peril of their own souls and to the manifest spoiling of the poor and simple and the intolerable hurt of others, **not considering** that the aforesaid weight, vulgarly called *le Auncell*, on account of certain hidden deceits and frauds therein lurking and thereby practised, (not to mention the Divine Law where it is said "A false balance is an abomination unto the Lord," and again, 'Thou shalt not have in thy bag two manner of weights, a great and a small; neither shalt thou have in thine house divers measures, a great and a small; but thou shalt have a right and just weight,' etc.) is also **forbidden** in general by the canons and constitutions of the holy fathers, and in particular and by name by the **statutes of the realm**, under penalty of forfeiture of all goods bought by such weight, and of imprisonment for two years: **and not fearing** the sentence of excommunication solemnly fulminated by all the archbishops and bishops of England, and

communicationis sententiam in omnes et singulos, facto, verbo, vel consilio venientes contra magnam chartam libertatum Angliæ, vel aliquem ejus articulum in qua quidem charta inter caetera continetur, quod “una mensura, et unum pondus sit per totum regnum” ab omnibus archiepiscopis et episcopis Angliæ solenniter fulminatam. atque per sedem Apostolicam pluries confirmatam, secuti in constitutionibus provincialibus bonæ memoriæ I Peckham apertius continetur.

Quinimo quod amplius est dolendum, astuti emptores hujusmodi, ut ex errore eatur multiplicius in errorem, dum dediti prohibiti ponderis “le Auncell” exercitio vel abusu notorio moliuntur per omne fas et nefas publice non convinci, pluries et frequenter in anno, cum per officarios domini nostri regis, videlicet justicieros pacis, clericos mercati, confiscatores, sui escaetores, et, alios de usu, quin potius abusu sæpe dicti ponderis, et in singulis suis sessionibus specialiter inquirentes, sub vinculo juramenti tactis sacrosanctis per eosdem præstiti judicialiter onerentur omnem in ea parte dicere veritatem abusum nihilominus sive exercitium, hujusmodi scienter, voluntarieque concealant, et per cæteros in hujus modi Judicum et officiarorum regionum sessionibus, et aliis dominorum temporalium curiis, cum ipsis pari juramento astrictos minis nonnunquam et terrendum crimen perjurii annuatim bis, ter, aut pluries damnabiliter incurrendo, et in idipsum complices suos prædictos mala malis accumulantes, execrabiliter inducendo. Et hii omnes tot et tantis scleribus involuti ipsa prætextu radicatæ consuetudinis pro nihilo reputantes absque voluntate satisfaciendi de sic male quæsitis, seu peccata sua hujusmodi dimittendi impænitentes, ad sacramenta ecclesiæ se ingerunt impudenter, in animarum suarum periculum grave nimis, et perniciosum exemplum quam-

many times confirmed by the Apostolic See (as in the provincial constitutions of John Peckham of happy memory is contained and set forth), against all and singular the contraveners by deed word or design of the Great Charter of the liberties of England or of any article thereof; in which Charter it is amongst other articles contained that there be *one measure and one weight throughout the whole realm.*

Furthermore, and to our greater grief, as men once leaving the right path are led further and further astray, while these crafty dealers practise every means lawful and unlawful to escape being publicly convicted of the use (or rather abuse) of the said prohibited weight, *le Auncell*, many times and often in the year, when the officials of our lord the King, as justices of peace, clerks of market, confiscators or escheators and others, in their respective sessions specially held for the purpose make inquisition concerning the use (or rather abuse) of the weight often above-mentioned, these men, though bound by oath by themselves lawfully sworn upon holy things to speak the truth in that behalf, do knowingly and wilfully conceal their practice of this abuse, sometimes also affrighting by threats others bound by a like oath with themselves at such sessions of justices and King's officers and other courts of temporal lords, and thus do twice thrice or oftener in the year damnably incur the guilt of perjury, and heaping wrong upon wrong do execrably induce their said accomplices to the same. And all these, while involved in the guilt of offences so many and so great, do yet upon the pretext of rooted custom esteem them as nothing, and without willing to make satisfaction for their illgotten gains or to seek absolution for their sins, do impudently thrust themselves impenitent upon the sacraments of the Church, to the extreme peril of their

plurium cæterorum; et quanquam universos et singulos transgressores prædictos, ut a prædictis sceleribus sub pæna excommunicationis majoris omnino desisterent, pluries, sufficienter, ac legitime monuerimus, et per suffraganeos nostros moneri fecerimus in spiritu lenitatis, nihilominus perpauca hucusque parere curantibus, ipsorum plures, imo, quod dolenter referimus pene omnes avaritiæ cæcitate percussi dum sitientes quæstum, prorsus non considerant dispendia animarum, a viis veteris malitiæ contumaciter ac induratis animis negligunt declinare.

Ne igitur de cætero videamur tam notorios et enormes filiorum excessus sub conniventia præterire, sic, quod sanguis eorum de nostris quod absit, manibus alias requiratus; volentes animarum saluti de congruo in præmissis remedio providere, ultimi provincialis concilii nostri auctoritate suffulti, omnes et singulos nostræ Canturiensis provinciæ subditos, scienter a tempore publicationis præsentium, in-posterum quocunque pondere, standardo regio notabiliter discordante, et præcipue dicto pondere "le Auncell, scheft seu Pounder" vulgariter nuncupato. Qualitercunque utentes utive facientes eisdem vel eorum aliquo, aut ea seu eorum aliquod apud se scienter, contumaciter, et timeri occultantes seu relinquentes, majoris excommunicationis sententiam statuimus, ordinamus, et volumus incurrere ipso facto: quorum absolutionem, locorum ordinariis aut eorum poenitentiariis, ad hoc potestatem habentibus, specialiter reservamus.

Insuper ut hujus modi delinquentium facinora eo amplius evitentur, quo ipsi delinquentes excommunicati solennius fuerint nuntiati dicto provinciali concilio approbante, præcipimus, quod omnes et singuli transgressores

own souls and the ruin by their example of many besides : And although we have many times sufficiently and lawfully admonished all and singular the transgressors aforesaid to desist from their offences under pain of the greater excommunication and have caused them through our suffragans to be admonished in the spirit of gentleness, nevertheless, very few caring to obey, the greater part, nay, we tell it with sorrow, nearly all, smitten with the blindness of avarice, in their thirst for gain not considering the loss of souls, contumaciously and obdurately neglect to turn aside from the paths of inveterate maliciousness.

Lest, therefore, we should seem to pass over such notorious and enormous excesses of our children and so to connive at them that their blood should be required at our hands (which God forbid), **We**, relying on the authority of our last provincial council, **enact, ordain and will** that all and singular the subjects of our province of Canterbury for the future, who shall from the time of the publication of these presents, use or cause to be used in any manner any weight notably disagreeing with the King's standard, and especially the aforesaid weight, vulgarly called *le Auncell*, *Scheft* or *Pounder*, or any of them, or shall knowingly contumaciously and wilfully conceal or retain the same in their houses, shall *ipso facto* incur the **penalty of the greater excommunication** : and we specially reserve the absolution thereof to the ordinaries of the several places and to their penitentiaries having authority for the purpose.

Moreover, that the offences of such delinquents may be the more generally avoided in proportion to the greater solemnity of the sentence pronounced, **We** command with the approbation of the said provincial council that in the

prædicti, in singulis cathederalibus et parochialibus ecclesiis, necnon capellis, in quibus ecclesiarum more divina celebrantur officia nostræ provinciæ antedictæ, quater in anno, una cum cateris articulis majoris excommunicationis sententiæ excommunicati, publice in genere nuncientur cum intimatione reservationis absolutionis prædictæ.

For the smooth rendering in English of Archbishop Chicheley's rugged Latin, the writer is indebted to the kindness of Mr. S. G. Hamilton, of Hertford College, Oxford.

A Confirmation of the Statute of 1351-2, condemning the 'Auncell,' was issued simultaneously with the promulgation of this anathema. It was in a general summary of the Statutes relating to weights and measures up to 8 Henry VI., 1429.¹ It was not, however, the fear of the law

¹ The Statutes of the Realm, vol. 2, 1816 (Record Commission), pages 241 and 242 [1429].

"Item, Whereas by the Great Charter of the Liberties of the Realm [of England] and by a Statute made the [Twenty-fifth] year of King Edward the third, It was ordained, and by a Statute made in the thirteenth year of King Richard the second, confirmed, That one weight, and one measure should be through all the realm [of England] as well out of the Staple as within; and in the same Statute of the said [noble] King Edward it is contained, That the weight called Auncell for the great hurt and subtile deceits done by the same measure to the Common people, shall be utterly [left and set apart] and the wools and all other manner of [merchandises] and all other Things weighth bought or sold, shall be weighed by the Balance so that the Tongue of the Balance do not incline more to the one party than the other, with weights scaled, and according to the Standard of the Exchequer. . . .

"And by the said Statute of the said [noble] King Richard it was

several cathedral and parochial churches and also in chapels where the divine offices are celebrated as in churches throughout our province, that all and singular the aforesaid transgressors shall four times in the year together with other kinds of persons who lie under the sentence of the greater excommunication, be publicly pronounced in general to be excommunicated, intimation being given of the aforesaid reservation of absolution.

law so much as ecclesiastical terrour that produced the total eclipse of the condemned instrument, and the oblivion of its name. Ecclesiastical officers were more energetic than the lay functionaries in hunting up delinquents.

In the year 1458 two women were reported to the Dean and Chapter of St. Paul's, each of them having in their possession 'unum auncellum,'¹ which laid them open to ecclesiastical censure. Their offence was discovered during a visitation of parishes belonging to the Cathedral. This shows that the renewed attack upon the 'auncell' was effective. Whether the Church or the Law is to be

added That the offender shall be imprisoned two years and make Fine," &c.

See Statutes of the Realm, vol. 2, 1816 (Record Commission), pages 241 and 242, A.D. 1429. 8 Hen. VI., v., sec. i. "Le pois appelez Auncell."

¹ W. C. B. has called attention to this in "Notes and Queries," 10th series, vol. i., p. 187, Mar. 5, 1904, quoting:—

"Visitations of Churches belonging to St. Paul's Cathedral in 1297, and in 1458." Ed. by W. Sparrow Simpson, 1895, Cam. Soc., N. S. No. 55.

"Johanna Clerk habet unum auncellum absollutum et fractum est," page 69.

"Dicunt quod Alicia Saunder habet unum auncellum," page 80.

credited with this result, matters not; what is to the present purpose, is the wording of the Archbishop's denunciation; as it helps to determine what the 'Auncell' really was. The word is used in the document in connection with 'Scheft' or 'Pounder,' names of Danish instruments of the Bismar order of construction; and this suggests that it was really a 'Bismar' which, when Norman rule came in upon London trade, received a Norman name denoting its nature, a one-armed, single-scaled, weighing-lever, 'lanx,' 'lance,' 'lancella' and in vernacular 'auncel,' a meaning which the Saxon or Danish word would not convey to the new rulers. It was not a 'staliar' or 'stilliard,' although that also was a 'lanx,' for the word 'statera,' which needed no change by the Normans, stood for that; but it was different and specially condemned by the Statute, by name. It was different, but in what particular feature different its new name did not explain.

The word 'statera' would be known to the Normans. It was Latin, and passing through the Italian 'stadera' reached 'staliar,' 'stilliard,' and in 1700 'steelyard,' in English. This form of lever, as is well known, measured weights by means of a counterpoise moveable along the beam or rod of the instrument. The Bismar was otherwise used. In this the counterpoise was fixed and the fulcrum or swing-point was moved along the rod.

Whenever the word 'auncell' is met with in the City Records it is commonly found in connection with the tron for weighing wool. For instance, in 1282 'Auncel le Tronour'¹ connects the two words enigmatically. It is found again as a man's name in Auncel le Furbur.² In 1298 Thomas Turgot is styled 'auncere maker,'

¹ Letter Book A, fo. 69 b. Sharpe's Calendar, page 154.

² Ibid. page 200.

when called upon to prove the accuracy of the Tron made specially at the command of the King, for Lenn.¹ And in 1302, certain men were elected to examine 'Trons or Auncers' and for marking those that were good and fair, with the seal of the Chamber of the Guildhall.²

The Auncer and the Tron, therefore, though not identical, were similar. The King's Wool-Tron for Lenn is described as containing *in itself*, *i.e.*, without any loose parts, the means of measuring four different bulks, and fourteen minor divisions. The Bismar answers to this description. The Tron, therefore, was built upon the principle of the 'Danish-balance.' The Tron was chiefly used for the weighing of wool. The 'Auncell' was also so used as the Statute condemning it declared. It is reasonable to conclude that the 'Auncell' and the Bismar were similar in construction, if not identical.

¹ Letter Book B, fo. 93 b. Sharpe's Calendar, page 214.

² Letter Book C, fo. lxix. b. Sharpe's Calendar, page 113. "Ad examinandum Tronas. "s." (seu) Aunser."

Supplement

CONCERNING THE WORDS 'CLAVUS' OR 'CLOU'

IN CONNEXION-WITH WEIGHING IN THE THIRTEENTH CENTURY

THE foregoing is but a sketch in outline of the circumstances which led to the formation of the Grocers' Company, when trade functions were being required of the Guilds; and Merchant Guilds were not tolerated by Town Councils.

The incidents comprising the story may be all fairly subject to criticism; but the point most liable to cavil is, perhaps, the meaning of the words "clavus," or "clou," as applied to a weighing lever.

With this it is now proposed to deal.

It has been assumed as the central argument in the foregoing essay that the words "ponderatur per medium clavum" simply meant (A.D. 1256) weighed by a middle fulcrum or swing-point between the two extremities of the beam; the balance or "bilanx." The subject has been already dealt with in another volume,¹ not handy for reference; so that the body of the argument is again presented here.

¹ "Richard Grafton, Citizen and Grocer: a Sequel," pp. 125-35, where representations will help the reader.

The words occur in the "Cronica Maiorum et Vicecomitum Londoniarum" forming part of the "Liber de Antiquis legibus" (fo. 70, b; Camden Soc. Stapleton's ed., p. 25).

"Usualiter consuetudo est quando pecunia quam [*sic*] debent vendi per stateram ponderatur, quod statera debet trahere inclinando versus pecuniam, excepto auro et argento quod semper **ponderatur per medium clavum** neque trahens ad pondam [pondera?] neque ad aurum sive argentum; et quod ponderator qui ponderatur [*sic*] per stateram Domini Regis in Civitate per hujus tractum potuit prebere majus pondus uni quam alio, sive per favorem sive per timorem, sive mercede interveniente, sive forsitan per ignorantiam. Provisum fuit et statutum (41 Henry III. 1256) quod omnis pecunia que debet vendi per stateras Regis in Civitate ponderetur sicut aurum et argentum nichil trahens versus pecuniam; et pro tractu predicto debet venditor dare emptori ad quemlibet centum quatuor libras."

And later on, 53 Henry III., 1269, in the same book, fo. 117, b. (Stapleton's, p. 118):

"... ita quod emptor habuit ad quemlibet centinarium [centum?] iiij^r libras pro tractu **ponderato per medium clavum** sicut aurum et argentum."

This seems to be clear enough in the original Latin, and quite intelligible when translated literally into English (*v. supra*, p. 20).

The reputed author of this ancient book, Arnold Fitz-Thedmar, died in 1274: it is, therefore, a contemporary record of the time in which the writer lived, and of events in which he was himself implicated (*v. infra*, p. 66). In his day the word "balancia" was not in use, but the words "Tron," which used many "clavos" in weighing, and "Auncell" were. For instance, in the first half of the thirteenth century (cir. 1235), in the middle of the reign of Henry III., the Tron by which the "Hommes le Emperour Dalemayne" were to weigh the goods which

they were privileged to sell in London "doit estre de xxij clous";¹ and in 1298, 26 Ed. I., the King commanded a Wool-Tron to be made for his town of Lynn, "que quidem trona continet in se quatuor pisas et quatuordecim clavos."² "Clavus" and "clou" mean the same thing: nail or pin. The former of these two references preceded—the latter was subsequent to—the civic statute of 1256: so that weighing by Tron and "clou" or "clavus" was at that time a common habit. It seemed natural, therefore, to conclude that the ordinance which prescribed the weighing of all goods by a middle pin, as gold and silver is weighed, pointed to a single fulcrum in the middle of the beam—the moneyer's balance—instead of the many-studded weighing lever; in fact, that "clavus" or "clou" meant the fulcrum, whether fixed or shifting. But as this is not the way in which Fabyan in 1516, nor Grafton in 1568, in their Chronicles read the words, this interpretation cannot be taken for granted.

Let us consider their views.

Fabyan, the historian, when telling the story of King Henry III.'s quarrel with the citizens of London over public weighing and other matters in 1257, drew his facts from the source from which the foregoing quotation comes, the "Liber de Antiquis legibus." Thedmar had opened the subject—that part of it, at least, connected with weighing—with the paragraph in question (6 Dec. 1256) by way of exordium to the story of a troublesome dispute between the Court Royal and the City, which burst into action about fourteen months later (i.e. 2 Febr. 1257—8).

¹ See "Lib. Cust.," Riley's ed., Rolls Series 1860, introd. pp. xxv-vi. and p. 63 of same volume. *Vide infra*, p. 76 n.

² Letter Book B, fol. 93. Sharpe's Calendar, p. 214, also "Lib. Cust." fo. 62 b. and p. 107 of Rolls Ed.—where a faulty slip of the scribe in MS. has been perpetuated in print. *Vide infra*, p. 73 n.

He began by stating what the custom of the City was, and always had been when goods were sold by weight, *viz.*, to give the turn of the scale in favour of the buyer. But as this custom was frequently abused, the citizens in Council ordained that all weighing should be exact, as "Gold and Silver is weighed, in no way drawing towards the goods," but that "in lieu of such draught the Vendor should give to the buyer four pound in every hundred."

Having stated what the Common Council had ordained about this, and the reason, he dropped the subject to tell of other events of the time ; such as—the Coronation of Richard Duke of Cornwall, King Henry's brother, as King of the Romans ; of King Henry's battle with the Welsh Prince ; of a variance between the citizens of London and the Abbot of Waltham ; and then he entered upon the record of the next year's doings with this heading:

M ^o CC ^o lvij (A.D. 1257)	Thomas filius Thome	Hoc anno retentus
in fine anni		est Radulphus
regni regis xlj	Robertus de Catelonie	maior.

"In this year the King issued a new coinage of gold pennies" (*v. supra*, pp. 21, 22),

about which he pretended to consult the Mayor and citizens ; yet, without heeding their objection, he forced the coin into circulation.

Theymar's manner in recounting this attempt to establish a bi-metallic currency in 1257 prepares the reader for the coming quarrel. The citizens were not docile, and those about the King were annoyed, perhaps disappointed of a gamble ; so, at least, the opening words of Theymar's next paragraph, about a roll found in the King's wardrobe at Windsor, suggests. There is no such subtle innuendo in Fabian's treatment of the subject.

He introduced it without preface, as "a bolt from the blue."

Writing in English in 1516, he began at once with the quarrel, using Thedmar's second part first; possibly for the sake of brevity, since much of Thedmar's first statement is repeated in the second.

"Liber de Antiquis legibus."

(Arnold Thedmar) fol. 72 b.
(Circ. A.D. 1274.)

M^oCC^olvij in Thomas filius
fine anni reg- Thome
ni regis xlj Robertus
Catelonie

Hoc anno ante festum Purificationis beate Marie inventus fuit quidam Rotulus in warderoba Domini regis apud Wyndlesoram, sigillatus viridi cera, et nesciebatur quis illum ibi posuit, in quo continebantur multi articuli super Maiorem; scilicet quod Civitas ultra modum gravata fuit per ipsum et consiliarios suos, ut in tallagio et aliis injuriis per ipsos factis. Unde Dominus Rex volens scire hujus veritatem misit Londoniis Johannem Maunsel, &c.

fol. 74.

Postea Aldermanni et cives vocati fuerunt per se nominatim et similiter **Arnulfus Thedmarus** et Henricus Walemound, qui antea non fuerunt in aliquo rectati.

Fabyan's Chronicle.

Septima Pars. Henrici iii.
fol. xxvij b. (mis pr. xxviii).
(Printed A.D. 1516.)

Anno Dom. MCclvj An. D.
MCclvij.

Richarde Ewell
Richarde Hardel

Wyllyam

Ashewy

In this xlj yere and begynnynge of ye same was foūdyn in the Kynges Warderobe at Wyndesore a Byll or Rolle closyd in grene waxe and not knowē from whens it should come in the which Rolle was conteyned dyverse Artycles agayne ye Mayre and Rulers of the Cytie of London and that by theym the comynaltye of the Cytie was grevouslye taskyd and wrongyd which byll was psented at lengthe to the Kynge whereupon he anone sent John Mancell &c.

fol. xxviii

The Mayre and Aldremen were callyd by name and two Aldremen more whiche before were not callyd that is to say Arnolde Thedmare and Henry Walmound.

fol. 74, b.

Alios autem sex viros fecit Rex implacitari, quod per consilium eorum datum Maiori, fuit Civitas sua ultra modum gravata ut in tallagiis injuste factis et aliis injuriis Commune Londoniarum illatis. Hoc adjecto quod statere Regis et pondera fuerunt mutata, quod non liceret fieri sine Rege. Ad quod responsum fuit quod statera et pondera non sunt mutata sed forma tantummodo et modus ponderandi; et hoc pro magno bono et pro magna fidelitate factum fuit per provisionem plus quam V^c virorum fide dignorum de Civitate. Nam cum antea statera solebat trahere, inclinando versus mercantiam, et per hujus tractum prebuit ponderator majus pondus uni quam alio sive per favorem, sive per timorem, sive capto mercede, et hoc fuit co-opertum; provisum est quod omnis mercantia que venditur per stateram Regis ponderetur sicut aurum et argentum, sine omnimodo tractu; et pro illo tractu daret venditor emptori ad quemlibet Centum quatuor libras.

fol. xxviiij b.

But the other vj besoughte the Kynge of his Ryghtwysenes that they myght be thē demyd after the Lawys and Customys of the Cytie thā was layde unto theyr charge that over many wrongys by theym done to the Kynge and the Comynaltye of the Cytie they had alteryd the Kynge's Beame and orderyd it to the advauntage of theymselve and other ryche men of the Cytie. Whereunto the Partyes answeyrd and sayde that the alteracion of the Beame was not doone by theym oonly but by thadvyce and consent of CCCCC of the best of the Cytie for where before tyme y^e weyer usyd to lene his draught towarde the merchandyse soo that the byar hadde by that meane x or xij li in a draught to his advauntage and the seller so much dysavauntage. Nowe for Indifferēcy and egalytie of both personys or marchauntys was ordeyned y^t the Beame shulde stande upryght the cleffe thereof inclynynge to neyther partye as it doth in weyinge of golde and sylver and the byer to have allowyd of the seller for all thynges iiij li onely in every draught.

This shows that Thedmar's Latin is the text out of which Fabyan wove his English account more than two hundred years after. He welded the two parts of Thedmar's narrative into one; but in doing so he made a knot difficult to untie. He wrote of the civic statute about weighing, that it was,

"Ordeyned y^t. the Beame shulde stand upryght the cleffe thereof enclynynge to neyther partye as it doth in weying of golde and sylver and the byer to have allowyd of the seller for all thynges iiij fi onely in every draught."

As there is nothing in the Latin of Thedmar's second part to represent these words, the source of them must be looked for in the first part, the exordium (*v. supra*, p. 63).

"Excepto auro et argento quod semper ponderatur per medium clavum neque trahens ad pondera neque ad aurum sive ad argentum ; Provisum fuit et statutum quod omnis pecunia ponderetur sicut aurum et argentum nichil trahens versus pecuniam ; et pro tractu predicto debet venditor dare emptori ad quemlibet centum quatuor libras."

If this be what Fabyan was embodying in his narrative, he seemingly confused "clavus" with "clavis," when using "cleffe" as its equivalent ; meaning, of course, the tongue or index, the only part of the Beam which could stand upright. But any way it is a strained rendering which might or might not be applicable to the instrument under consideration—for no doubt it was the moneyers' scales—but not a true representation of the Latin original ; for the word in the MS. (still extant) is unmistakably "clavum." Nor is there anything to warrant the use of the words "should stand upright" ; these are foisted in to assuage an anachronism and excuse a guess. Fabyan, with a more literary than technical turn of mind, would recognise the ordinance, 18 Ed. III., 1344 (*supra*, p. 35), "De parva balancia de novo constructa," the words of which may have tempted him to

"Make former times shake hands with latter,
And that which was before come after,"

by using them to interpret the civic statute of 1256, three-quarters of a century earlier. The words are :—

" parva balancia de novo fabricetur et quod lingua statere eiusdem balancie in medio eiusdem lingue statere perforetur ita quod

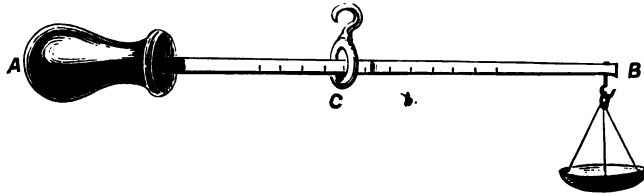
cum res venalis posita fuerit in una extremitate dicte balancie et pondus pertinens ad eandem balanciam in alia extremitate eiusdem quod summitas lingue statere dicte balancie stet sursum directe et equaliter sub cloffo eiusdem balancie non declinans . . . &c."

Whether this instigated Fabyan's misreading, or merely gave plausibility to it, it still remains that the words are borrowed, not indigenous. That Fabyan should have taken inspiration so readily from an ordinance in the fourteenth century (1344) about what occurred in the thirteenth, neglecting or ignoring regulations contemporary with the events he was describing, shows how completely the mode of weighing "per clavos" had been extinguished in the sixteenth, when the balance only was used. The "Auncel" and "Tron" as weighing instruments seem to have been as little known in his days as they are now. "Tron" was known as denoting the manner of wool-weighing, but it was not the Tron of many "clous" or "clavi," but the Balance with a single middle fulcrum, that was used in Fabyan's days, as it is now. It was not till after Thedmar's death that the word "balancia" came into use in England (*supra*, p. 25). To weigh "per medium clavum" of necessity meant to weigh by one single "clavus" in the middle of the Beam, in contradistinction to instruments with ten, fourteen, or twenty¹ clavos distributed along it; such as the Norwegian and Shetland "Bismars," in which the nails are driven in with their heads flush with the

¹ Letter Book C, fol. lxix b., Sharpe's Cal.¹ p. 114: "10 Aug., 32 Ed. I. (A.D. 1304). Two trons were sealed in the presence of Sir John le Blund the Mayor of London, John de Wengrave, Nicholas Pycot the Chamberlain and Hugh Pourte and assayed by Thomas 'le Aunsermakere' (and certain woolmen): the one was for the weighing of two sacks and twenty-two 'clavorum' another of one wey and ten "clavorum?" ("quarum una trona fuit de pondere ij saccarum? et xxij clavorum? et alia trona fuit de pondere j wage et x clavorum?"). And they were "delivered to Hugh Pourte, the collector of the King's Custom for the King's service in the City of London, &c." *Vide infra*, p. 73 n.

surface of the beam. They served for swing-points when the sling was used in weighing; and for marking in successive equal increments the weight of the burden then being measured.

Such instruments are described in present-day books of instruction under the head of "Danish balance." (Newth's "Elements of Mechanics," 5th Ed., 1869, p. 61, sec. 83.) "The instrument consists of a straight bar A B, having



a knob A at one end, and at the other end a hook bearing a scale-pan. The fulcrum C is moveable, and the bar so graduated that the weight of any body placed in the scale-pan is determined by the position of C" (p. 84). "In the Danish balance the distance of the fulcrum from the end of the bar corresponding to successive equal increments of the weight, form the harmonic series."

Fabyan stands alone in his manner of interpreting Thedmar's phrase; but not alone in his misunderstanding of it. Richard Grafton, "grocer," also went astray over these words, but in another manner. Grafton published his Chronicle at large in 1568, *i.e.* about fifty years after Fabyan's Chronicle was issued. He professedly quoted this phase of civic history out of Fabyan's pages, following him so closely that, but for the spelling, the wording is the same. In the spelling of one monosyllable he completely changed the construction without ostensibly altering the sense. Fabyan had written

"the Beame shulde stand upryght the *cleffe* thereof enclynyng to neyther partye."

Grafton wrote :

"the Beame should stand upright *in* the *cleft* thereof enclinyng to neyther partie."

Both agreed that "per medium clavum" had reference to the moneyers' beam—and both assumed gratuitously the beam to have had an upright tongue. But they were not of one mind over the meaning of "clavus." Grafton rejected Fabyan's use of the Norman word "cleffe" for it; and yet in using the word "cleft" he himself chanced on another untenable reading. The "cleffe" meant the tongue; the "cleft" meant the fork, *i.e.* the "cloffe" in which the tongue played, the pivot being held between its prongs. The turning of Fabyan's "cleffe" into "cleft" is very delicate. The ordinary reader would see nothing but the correction of a printer's error; although the student would be arrested. In a subsequent sentence Grafton again corrected Fabyan, and showed by his acquaintance with Thedmar's MS. that he had verified the reference.

Instead of Fabyan's

"iiiij. li. onely in every draught"

he gave a more literal translation by

"foure ponde of the hundreth,"

explaining in a marginal note, which displays a knowledge of his craft, that

"This is the allowance the Grocers call cloffe."

In using the word "cloffe" in this connection Grafton, like Fabyan, seems to have had the ordinance of 1344 in mind, for

". . . . the beam should stand upright in the cleft, &c.,"

is a very close translation of

"lingua statere dicte balancie stet sursum sub cloffo,"

taking "cloffus" as the bend of the fork in which the tongue as part of the beam played.

Grafton was evidently struggling with a difficulty. He knew Fabyan was wrong and was tentatively offering an amendment. He did not change Fabyan's "cleffe" into "cloffe," he avoided any such definite translation of "clavus," but applied it to the next sentence as meaning the allowance "pro tractu," the turning of the scale; leaving the reader to draw his own inference.

This marginal note—one of the very few explanatory notes in his Chronicle at large—was probably an after-thought, added while he was passing it through the press. Grafton must have been at work on his Chronicle in 1561–3 while preparing a defence of his Company's prerogative against the claim then being made by the "Maistres of the House of the Poore in Smythfielde" for "the controul of the Queen's weigh-house and Beams within the City of London" (pp. 5, 6, *supra*).

Although not finished until 1568 it was a large work which must have taken some years to compile. There were two volumes, the one of 200 pages, the other of 1,400. It is on the 131st page of the second volume that the marginal note is set. It shows that the meaning of "clavus" in its connection with weighing was not understood in the sixteenth century. Its meaning cannot be said to be clearer in the nineteenth. The accepted translation even now is "clove," and for this Grafton's note would seem to be answerable. If "clavus" meant "cleft," and "cleft" meant "cloffe," "clove" naturally results. What was "clove"?

In the glossary of mediæval Latin appended to Mr. Riley's edition of the "Liber Custumarum" (Rolls Series, Part II., p. 792), "clavus" is stated to be

"a clove, a weight employed more especially in weighing wool . . . it is either seven or eight pounds according to the commodity weighed."

And on page 820 of the same volume it is stated that the meaning of the passage (in Part I., p. 107, 26 Ed. I., 1296)

"que quidem trona continet in se quatuor pisas et quatuor (decim)¹ clavos "

is that "the tron here mentioned will weigh as much at one time as four weys and four(teen) cloves." This was printed in the year 1860. Three years later, *i.e.* 1863, Mr. Riley published a translation of Thedmar's "*Lib. de Antt. legg.*" into English, and then found himself obliged by the exigence of scholarship to render "*clavum*" as "*pin*" in both places where "*per medium clavum*" occurs (Stapleton's Latin edition, pp. 25 and 118), *i.e.* in A.D. 1256 and 1269. In each case Mr. Riley has translated the words "the pin standing midway." If "*pin*" is the right translation of "*clavus*" in connection with weighing in 1269, what excuse is there for translating it by "clove," a "weight of seven pounds," in 1298, in the same connection but in the plural number? There surely can be none. The instinctive propensity of historians for making "rough places smooth" for their readers is at the bottom of this confusion. Fabyan, it is evident, knew nothing of the Danish mode of "weighing by sling." A shifting swing-point was unknown to him. The balance was the

¹ The word "*decim*" has been enclosed in brackets to call attention to the fact that it is not found in the MS. of the "*Liber Custumarum*," and consequently not in Riley's (Rolls Series) edition. It does occur in Letter Book B, fol. 93 (xxxviii), 26 Ed. I., 1298 (see Sharpe's Calendar, pp. 213-14). Dr. Sharpe in a note to the writer states that "*continet in se*" is found in both Letter Book B and in the "*Liber Custumarum*." The Letter Book has "*quatuor-decim*"; the "*Lib. Cust.*" "*quatuor*" only, as in Riley's edition. Dr. Sharpe gives the Letter Book priority in rank; the "*Lib. Cust.*" being either a transcript from the Letter Book or from what may have been the source of both.

only instrument in use in his day : so completely had the "Auncel" or Bismar, the Tron or Pounder, been put out of use by legal and ecclesiastical rule in the middle of the fifteenth century. "Clavus" did not mean "cleffe." Grafton writing only forty years later could not allow it : Riley does not sanction it: the context will not support it.

Grafton was in the same plight with Fabyan. He too was ignorant of the Danish mode of weighing, though more conversant with the method prevailing in his day. The balance was also his exemplar. But "clavus" was not "cleft."

Mr. Riley, though biassed by the same preconception, as his using the word "standing" significantly implies, was literal in construing "clavus" as "pin." But why he should make it "stand" there is no evidence to show. It was—there is nothing else that it could be—a fulcrum or swing-point. This satisfies the context. The word "standing" distorts it. "Clavus" was not the "tongue of the Beam"; it did not stand upon the beam. It was the pin which marked the swing-point that told the weight of the article being measured. "Clavus" was not "clove"; certainly not in its connection with weighing in the thirteenth century, although "clove" may, through the Norman "clou" (*de girofle*), have been latinised into "clavus" later on. If "clove" did not come out of "clavus," but was afterwards included in it, where did it come from? And how came it to mean seven pounds of wool?

Grafton's marginal note tells us that the allowance "pro tractu" (treit) was what "the Grocers call cloffe." The movement of the tongue in the "cleft," "sub cloffo balancie," told the bending of the beam—the "tractus," draught or "turning of the scale." It was the Grocers' vernacular for "treit." The "cloffe" or "clove" was the allowance of four pounds in the "cwt." granted to the buyer.

In the year 1339, 14 Ed. III. (according to Anderson, "Hist. of Commerce," vol. i. p. 173), "a sack of wool of 364 lbs. was to contain 'per statute' 26 stones of 14 lbs. each, that is, $3\frac{1}{2}$ spicer 'cwts.' = 25 stones (350 lbs.), and the above allowance = 14 lbs. ($3\frac{1}{2} \times 4$). Of 26 stones, or 364 lbs., 7 is the lowest denominator, and this *has come to be* called the clove of wool." So that "the allowance which the Grocers call cloffe" was hidden or buried alive in a sack of wool to come out in the shape of seven pounds of it.

With this in mind, the pertinacity with which the King's advisers pressed the citizens to construct a new Wool-Tron, A.D. 1298, for his town of Lynn (*v. supra*, p. 26) will be found to be no crass assertion of authority; but a politic compromise. It was a scientific instrument—the Standard Beam, no doubt, for weighing wool for the King's custom. This Tron was to "contain in itself" the means of weighing four "pisas" ("peises," "weys") and fourteen "clavos." Four weys were equal to two sacks of wool of 364 lbs. each. The Tron therefore was to be capable of weighing up to 728 lbs., *i.e.* 7 cwt. *plus* the "cloffe." There were to be also (not in addition) fourteen "clavos." Each nail ("clavus" or "clou") marked off a division of the entire bulk; each with its share of the aforesaid "allowance." Assuming these to be equal divisions, each "clavus" would mark off 52 lbs., *i.e.* $\frac{1}{2}$ cwt. *plus* the four "per centum" cloffe-allowance of two pounds. One sack of 364 lbs., as stated above, contained 14 lbs. (one stone) as cloffe-allowance.

This seems to be the meaning of the words describing the Tron for Lynn. It had been designed to avoid the misunderstanding of "treit" by foreign merchants (*v. supra*, pp. 29, 30). It was superseded in 1309 by adding the allowance to the moveable weights of the balance (*bilanx*) (*v. supra*, p. 33).

Trons were Beams for weighing by the cwt., for the general purposes of wholesale dealing. The Tron mentioned in the regulations for "les hommes le Emperour Dalemayne" in 1235 was to be one of 22 clous, without any other specification.¹ A Tron of 22 swing-points would signify an instrument capable of weighing up to $5\frac{1}{2}$ cwts., as 550 is the smallest number of cwts. evenly divisible by 22, leaving 25 or $\frac{1}{4}$ cwt. for result. These men of the Emperor of Alemayne might sell cummin by the "quarter," and "fustian" by the dozen and half, *i.e.* by wholesale, not in smaller quantities. In this there is nothing to imply a "cloffe" allowance. The allowance "pro tractu" had not yet been ordained.

Even after the "turn of the scale" had been abolished the Tron was used as the wholesale Beam for weighing by the "cwt."—the "peso grosso" of the Lombards. For example, in 1304, 32 Ed. I., two Trons were tested in the presence of the Mayor, Chamberlain, and others, one of which was for the weighing of two sacks and twenty-two "clavorum," the other for the weighing of one wey and ten "clavorum."²

In neither of these two instances is there any harmony

¹ "Liber Custumarum," Rolls Series, Riley's ed., Pt. I., p. 63. "ceo est la commune as hommes le Emperour Dalemayne"—"Qil poent herberger denz les murs de la citee de Loundres la ou il voudront Sil ount mercerie, il poent vendre quarteroun de comyn, et la dozeyne de fustayn et demye. Et la trone dount il peserount, doit estre de xxij clous" (A.D. 1235 ?).

² Letter Book C, fol. lxix. b—p. 114 of Sharpe's Calendar:—"Die sabati proxima ante festum Sancti Laur' anno r' R' E. xxxij due trone sigillate fuerunt in presencia dominorum Johannis le Blund Maiorem (*sic*) London', Johannis de Wangrave et Nich' Pycot Camerarii et Hugonis Pourte et assayate per Thomam le Aunsermakere, Walterum le Fullere, Thomas apprenticium, Willelmum atte Vine, Willelmum de Hakeneye lanar' juratos quarum una trona fuit de pondere ij sacc[arum] et xxij clavorum. Et alia trona fuit de pondere j wage et x clavorum."

between the bulks mentioned and the smaller measures noted. Two sacks of wool (728 lbs.) will not divide into twenty-two equal parts; nor will one "wey" (182 lbs.) make ten even divisions; the "clavi" therefore had a value of their own, independent of the bulks marked also on the Beam. Hence it would seem that the instrument was constructed for the general purposes of wholesale weighing, and not for any specific purpose, as for the weighing of wool for the King's custom.

What the weight was that the "clavus" or "clou" marked off is not evident. The words were mainly used in connection with the wholesale Beam; it is therefore reasonable to assume it to have been some division of the cwt.; and as 25 lbs. ($\frac{1}{4}$ cwt.) is the smallest wholesale weight—as it is also the lowest weight to which "treit" would attach—this weight would naturally suggest itself as the measure, but for the fact that the two sacks in the King's Tron for Lynn were divided into fourteen "clavos" of 52 lbs. each.

There is no antecedent probability in favour of "clavus" or "clou" meaning clove in the sense of a weight of seven pounds. Seven will not evenly divide the simple cwt. (100 lbs.) nor the spicers' cwt. (104 lbs.), although it will divide the merchants' or aver-de-pois cwt. (112 lbs.) into sixteen parts. Nor do the records favour the supposition.

According to "Fleta" two "weys" of wool went to a sack. By Statute 5, 25 Ed. III. (1351), "le sak de leine ne poise qe vint et sys peres et chescun pere peise quatorze livres," that is to say, 26 stones of 14 lbs. each made up the sack of two "weys." One "wey" therefore was equal to 13 stones of 14 lbs. each. The stone was made up of two cloves; the wey therefore contained 26 cloves.

Letter Book G, fo. cij. (circ. 1361—2), after suppression of the Aunsell,

"Et waya sepe debet continere viginti et octo clavos et hoc per balanciam et non per Auncerum."

There is nothing to reconcile "clavus" with clove in this.

The conclusion from all this is that in the thirteenth and early part of the fourteenth century the meaning of the synonymous terms "clavus" or "clou" was not "clove" in the sense of seven pounds weight : that it was not "clove" in any sense, but that it did mean the graduation mark by means of pin or stud along the beam of a one-armed lever indicating the poising-point of particular weights, arranged in harmonic series as in the case of what is called the Danish balance.

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